

STUDY SESSION: 4:30 P.M. - CITY COUNCIL CHAMBERS
MEETING: 5:00 P.M. - CITY COUNCIL CHAMBERS

1. Call to Order.
2. Roll Call.
3. Dispense with the reading and approve the minutes of the March 21, 2016, Regular Meeting as prepared.
4. Dispense with the reading and approve the minutes of the March 22, 2016, Special Meeting as prepared.
5. Consider an amendment to the City of Fremont Comprehensive Plan, particularly amendments to the Future Land Use Plan.
6. Consider an amendment to Fremont Zoning Ordinance No. 3939 subsection 303.b. pertaining to the definition of Crop Production to include temporary grain ground storage pile(s).
7. Consider a request of Interstate Commodities, Inc., on behalf of Frontier Cooperative, owner of approximately 20.2 acres located at 549 E. Co. Rd. T, for approval of a Zoning Change from AG Agricultural to GI General Industrial.
 - Staff report and presentation
 - Public Hearing
 - Recommendation
8. Consider a request of Dodd Engineering & Surveying, LLC, on behalf of MYKO, Inc., owner of approximately 2.2 acres located at 3000 N Co. Rd. 20, for approval of a Zoning Change from GI General Industrial to LI Limited Industrial.
 - Staff report and presentation
 - Public Hearing
 - Recommendation
9. Consider a request of Dodd Engineering & Surveying, LLC, on behalf of Donald & Connie Mahrt, owners of approximately 4.2 acres located at 1804 Old Highway 8, for approval of a Zoning Change from R-4 High-Density Residential to GI General Industrial.
 - Staff report and presentation
 - Public Hearing
 - Recommendation

10. Consider a request of Dodd Engineering & Surveying, LLC, on behalf of Donald & Connie Mahrt, owners of approximately 9.0 acres located at 1804 Old Highway 8, for approval of a Final Plat to be known as Sawyer Industrial Park, Dodge County, Nebraska.
 - Staff report and presentation
 - Recommendation
11. Consider a request of RML Investments, Inc., owner of approximately 7,800 square feet located at 1820 W 23rd St., for approval of a Zoning Change from R-2 Moderate-Density Residential to LI Limited Industrial.
 - Staff report and presentation
 - Public Hearing
 - Recommendation
12. Consider a request of RML Investments, Inc., owner of approximately 2.4 acres located at 1820 W 23rd St., for approval of a Final Plat to be known as Seaton Subdivision Replat, Dodge County, Nebraska.
 - Staff report and presentation
 - Recommendation
13. Consider a request of Ciera Mruz, on behalf of Jeremy Mruz, owner of approximately 8,100 square feet located at 2530 Idaho Ave., for approval of a Conditional Use Permit for Day Care (General).
 - Staff report and presentation
 - Public Hearing
 - Recommendation
14. Adjournment.

THIS MEETING WAS PRECEDED BY PUBLICIZED NOTICE IN THE FREMONT TRIBUNE, THE AGENDA DISPLAYED IN THE LOBBY OF THE MUNICIPAL BUILDING AND POSTED ONLINE AT WWW.FREMONTNE.GOV IN ACCORDANCE WITH THE NEBRASKA OPEN MEETINGS ACT, A COPY OF WHICH IS POSTED CONTINUALLY IN THE COUNCIL CHAMBERS FOR PUBLIC INSPECTION, AND SAID MEETING IS OPEN TO THE PUBLIC. A COPY OF THE AGENDA WAS ALSO KEPT CONTINUALLY CURRENT AND AVAILABLE TO THE PUBLIC IN THE PRINCIPLE OFFICE OF THE DEPARTMENT OF PLANNING, 400 EAST MILITARY AVENUE. THE PLANNING COMMISSION RESERVES THE RIGHT TO ADJUST THE ORDER OF ITEMS ON THIS AGENDA.

PRESENT: Chairman, Dev Sookram, Commissioners, Brad Fooker, Marty Gifford, Carl Nielsen, Mitch Sawyer, and Tom Winter, and Planning Director, Troy Anderson

ABSENT: Commissioners, Amber Barton, and Brian Wiese.

1. Call to Order. Chairman Sookram called the meeting to order at 5:00 p.m.
2. Roll Call. A roll call showed six (6) members present and two (2) absent with one (1) seat unassigned – a quorum was established.

Chairman Sookram then read the following statement: This meeting was preceded by publicized notice in the Fremont Tribune, the agenda displayed in the lobby of the Municipal Building and posted online at www.fremontne.gov in accordance with the Nebraska open meetings act, a copy of which is posted continually in the council chambers for public inspection and said meeting is open to the public. A copy of the agenda was also kept continually current and available to the public in the principle office of the Department of Planning, 400 East Military Avenue. The Planning Commission reserves the right to adjust the order of items on this agenda. This meeting is hereby declared to be duly convened and in open session.

3. Minutes of the February 15, 2016, Regular Meeting.

Chairman Sookram read the item into the record. Hearing no discussion, Sookram entertained a motion.

Motion: It was moved by Commissioner Fooker, and seconded by Commissioner Sawyer, to dispense with the reading of the minutes and approve the minutes as provided. A roll call vote showed all members present voting aye – the motion carried unanimously.

4. Consider a request of Barbara Nishimura, on behalf of Barbara Nishimura and Misao Kuda, co-trustees of approximately 1.8 acres located at 2430 N Yager Rd., for approval of a Zoning Change from LI Limited Industrial to R-5 Mobile Home Residential.

Planning Director, Troy Anderson read Staff's Report.

Sookram then proceeded to open the floor to public hearing. The applicant, Barbara Nishimura, introduced herself, provided a brief history of the property, and proceeded to describe the reason for the request. Dave Mitchell, agent for Yager Group LLC, a neighboring property owner, opposed the request suggesting that the subject property's involvement in a blight study that, together with surrounding properties, was the impetus for a redevelopment plan for the area, and that furthering the use would be contrary to that redevelopment plan.

Hearing no other comments, Sookram closed the floor to public hearing and opened the floor to Commission discussion and action. Hearing no discussion, Sookram entertained a motion.

Motion: It was moved by Commissioner Winter, and seconded by Commissioner Fooken, to recommend disapproval of the Zoning Change. A roll call vote showed all members present voting aye, with one (1) member, Commissioner Gifford, recusing himself – the motion carried unanimously.

5. Consider an amendment to the Redevelopment Plan for the 23rd & Bell Redevelopment Area to identify a specific project, within the redevelopment area, obtain public comment, and make a recommendation to the Community Development Agency (CDA) of the City of Fremont.

Planning Director, Troy Anderson introduced Heather Carver, attorney with Cline Williams, and agent for the City, to present the request.

Sookram then proceeded to open the floor to public hearing.

Hearing none, Sookram closed the floor to public hearing and opened the floor to Commission discussion and action. Hearing no discussion, Sookram entertained a motion.

Motion: It was moved by Commissioner Fooken, and seconded by Commissioner Sawyer, to recommend approval of the Redevelopment Plan. A roll call vote showed all members present voting aye, with one (1) member, Commissioner Gifford, recusing himself – the motion carried unanimously.

6. Receive a report from the Future Land Use Plan Evaluation Subcommittee.

Commissioner Fooken advised the Commission that the Subcommittee had met twice now and that they have made additional progress with considering amendments to the Future Land Use Plan and that they are hoping to have amendments before the Commission soon.

Hearing no comments, Sookram concluded discussion of the item and proceeded to the next item on the agenda.

7. Review and consider amendments to Article 6 of the draft Unified Development Ordinance.

Planning Director, Troy Anderson introduced proposed amendments to Article Six [Part 1 of 3] of the draft Unified Development Ordinance (UDO) including:

1. Reorganization;
2. Revising minimum off-street parking requirements;
3. Striking parking credits and reductions due to a lack of depth, and shifting emphasis of alternative parking regulations/requirements to special studies and shared parking;
4. Revising parking module dimensions, and vehicle stacking requirements;
5. Better defining surfacing and maintenance requirements;
6. Revamping access management and circulation regulations, including driveway/access widths, spacing and corner clearances, in particular; and

7. General word-smithing.

Hearing no further comments, Sookram concluded discussion of the item and proceeded to the next item on the agenda.

8. Adjournment. Hearing no further business, Chairman Sookram adjourned the meeting at approximately 6:14 p.m.

APPROVED:

Dev Sookram, Chairman

ATTEST:

Troy Anderson, Planning Director

DRAFT

**PLANNING COMMISSION MINUTES
SPECIAL MEETING
MARCH 22, 2016 – 5:30 PM**

PRESENT: Chairman, Dev Sookram, Commissioners, Brad Fooker, Marty Gifford, Carl Nielsen, and Mitch Sawyer, and Planning Director, Troy Anderson

ABSENT: Commissioners, Amber Barton, Tom Winter, and Brian Wiese.

1. Call to Order. Planning Director, Troy Anderson called the meeting to order at 5:30 p.m.
2. Roll Call. A roll call showed five (5) members present (Chairman Sookrom joined the meeting shortly after roll call) and three (3) absent with one (1) seat unassigned – a quorum was established.
3. Informational and Educational Work-Session.
Thomas C. Huston, attorney for Cline Williams Wright Johnson & Oldfather, L.L.P., gave a presentation on the various roles and responsibilities associated with City Council, Planning Commission, and Board of Adjustment. Huston began by detailing the legislative and administrative functions of City Council. He then elaborated on the recommendary and approval authority of the Planning Commission. He then identified the three (3) powers of the Board of Adjustment and the five (5) findings necessary to grant a variance. Lastly, Huston expounded on fair hearings including procedural due process, impartial decision making, conflicts of interest, bias, ex parte communication, and findings of fact.
4. Adjournment. Hearing no further business, Chairman Sookram entertained a motion to adjourn. Commissioner Sawyer moved to adjourn, Commissioner Nielsen seconded the motion, and all members present voted aye. The meeting was adjourned at approximately 6:50 p.m.

APPROVED:

Dev Sookram, Chairman

ATTEST:

Troy Anderson, Planning Director

Staff Report

TO: Planning Commission
FROM: Troy Anderson, Director of Planning
DATE: April 18, 2016
SUBJECT: Comprehensive Plan Amendment – Future Land Use Plan

Background: On December 21, 2015, a subcommittee of the Planning Commission was formed to evaluate the Future Land Use Plan. The subcommittee met on three different occasions: February 9, 2016, March 8, 2016, and March 29, 2016, and have prepared a revised Future Land Use Map, attached hereto and incorporate herein, for the review and consideration of the Commission.

Fiscal Impact: N/A

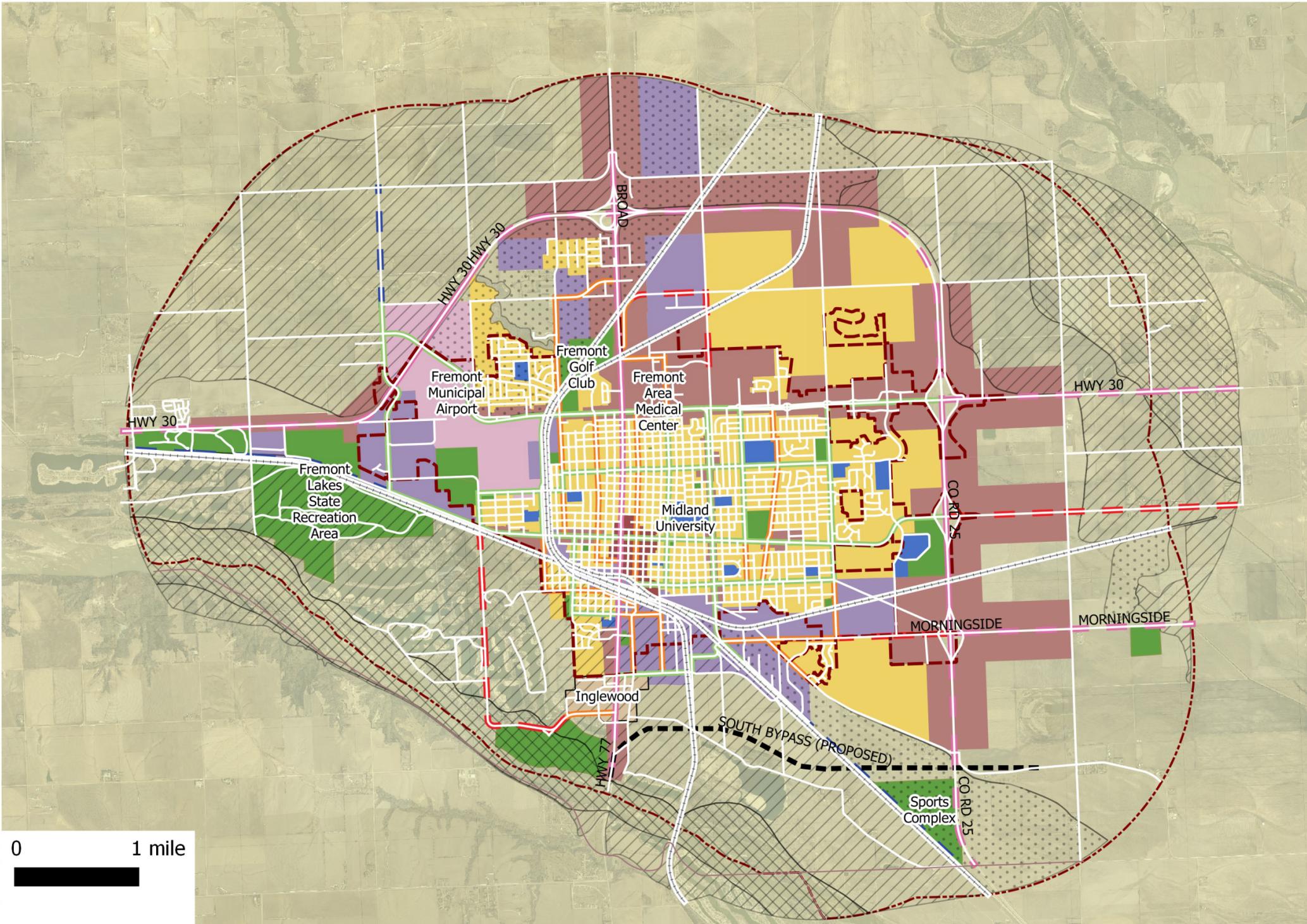
Map Legend

-  City Limits
-  Inglewood
-  Railroad
-  Wellhead Protection Area
- Floodplain**
-  100 -Year Floodway
-  Zone AE
-  Zone AO-2
- Future Land Use**
-  Rural
-  Residential
-  Commercial
-  Industrial
-  Parks and Open Space
-  Institutional/Campus/University
-  Aviation/Airport
-  Downtown (Urban)

Zone AE: Areas with a 1% annual chance of flooding

Zone AO-2: Areas with a 1% or greater annual chance of shallow flooding

* The boundaries of the floodplain are for representative purposes only. Refer to the Flood Insurance Rate Map (FIRM) for specific information.



Map Legend

-  City Limits
-  Inglewood
-  Railroad
-  Wellhead Protection Area

Floodplain

-  100 -Year Floodway
-  Zone AE
-  Zone A0-2

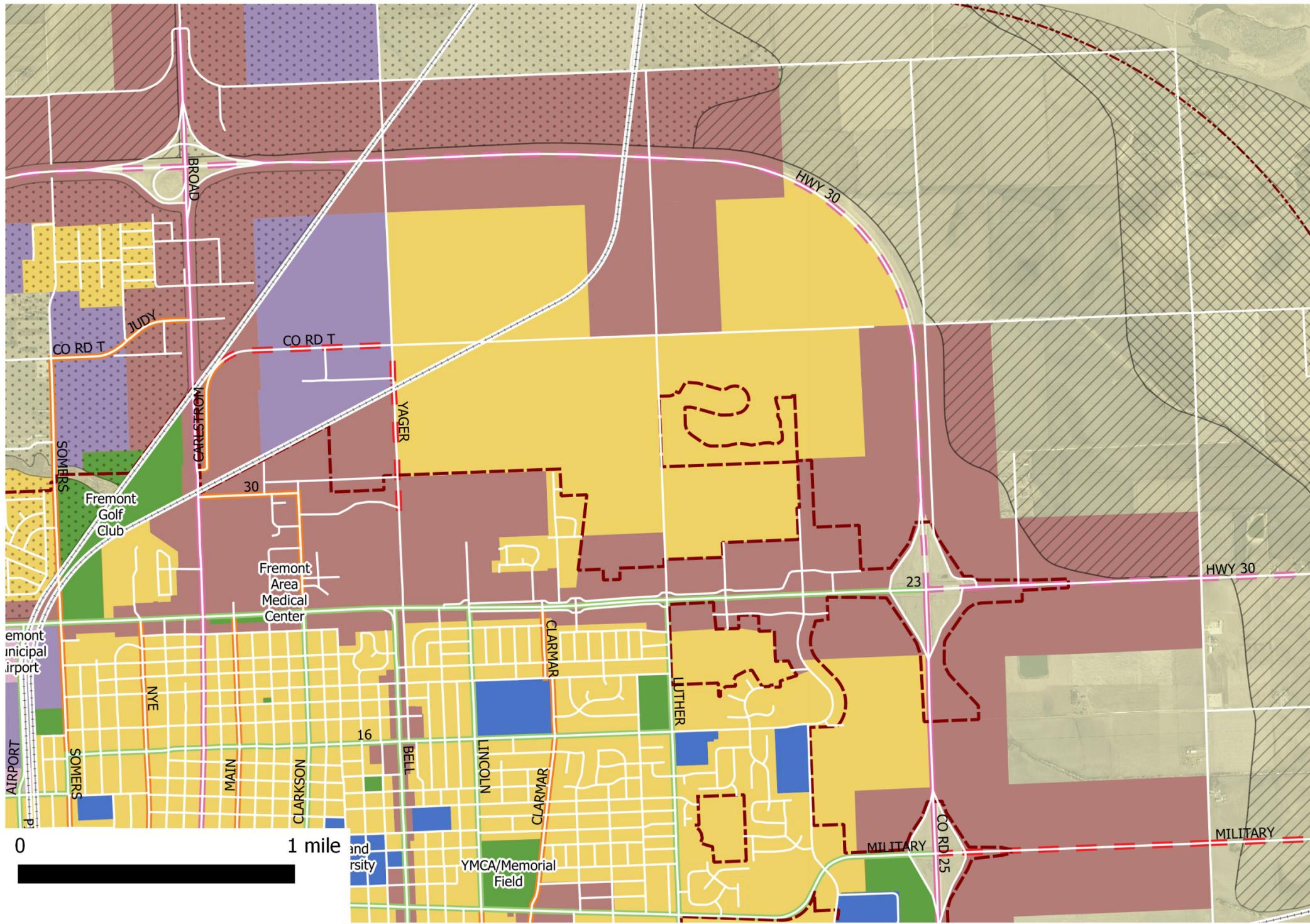
Future Land Use

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-  Commercial
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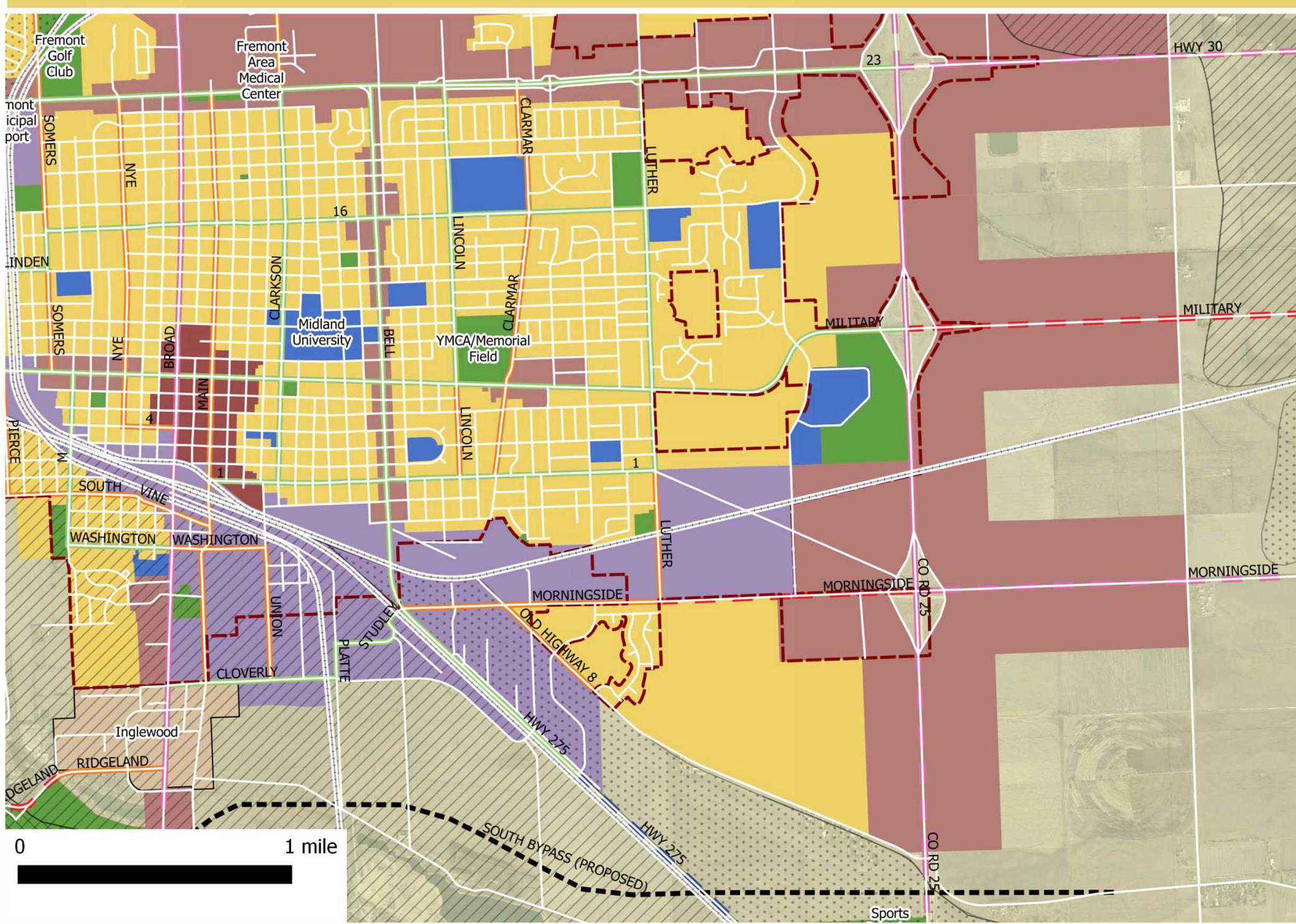
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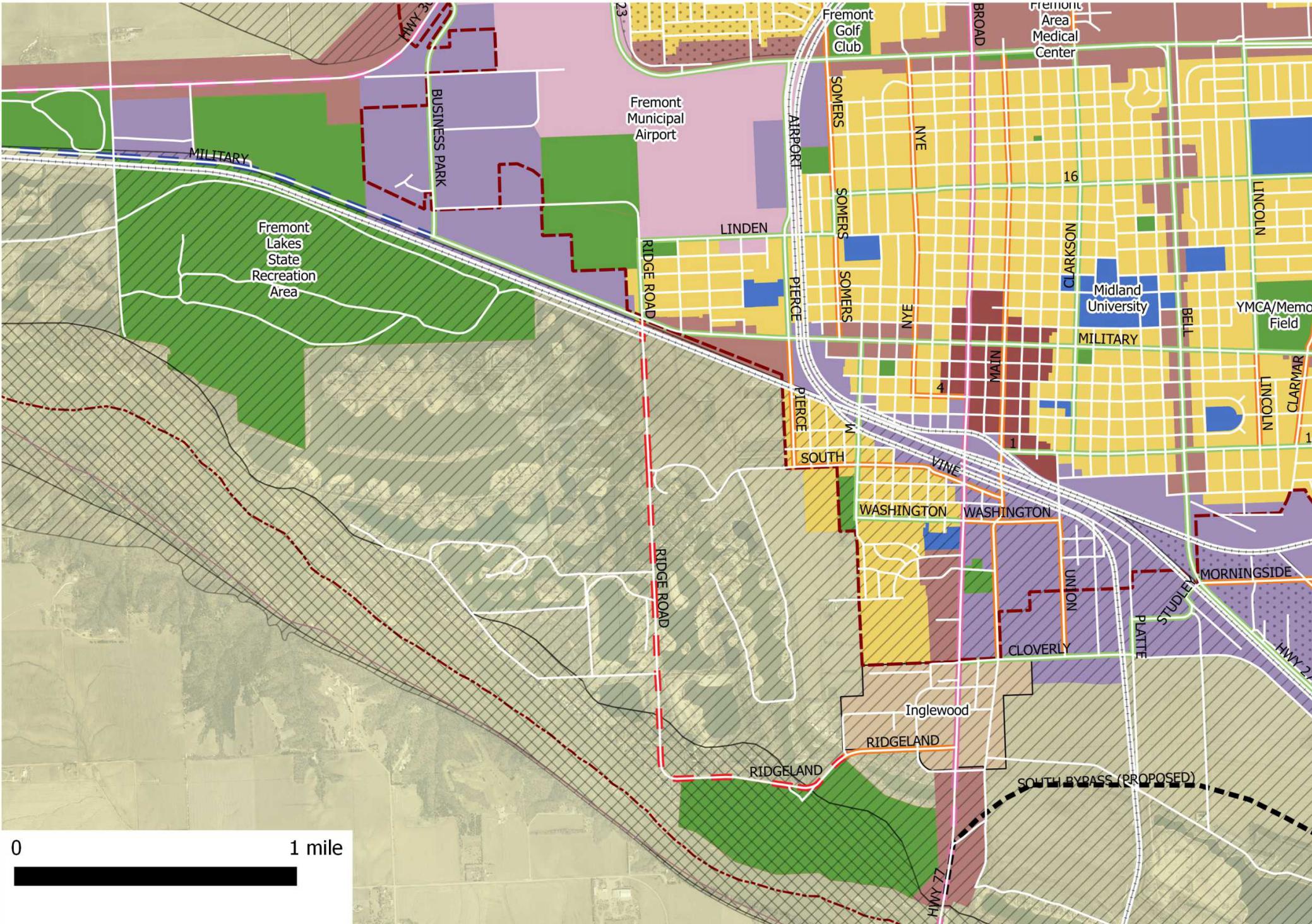
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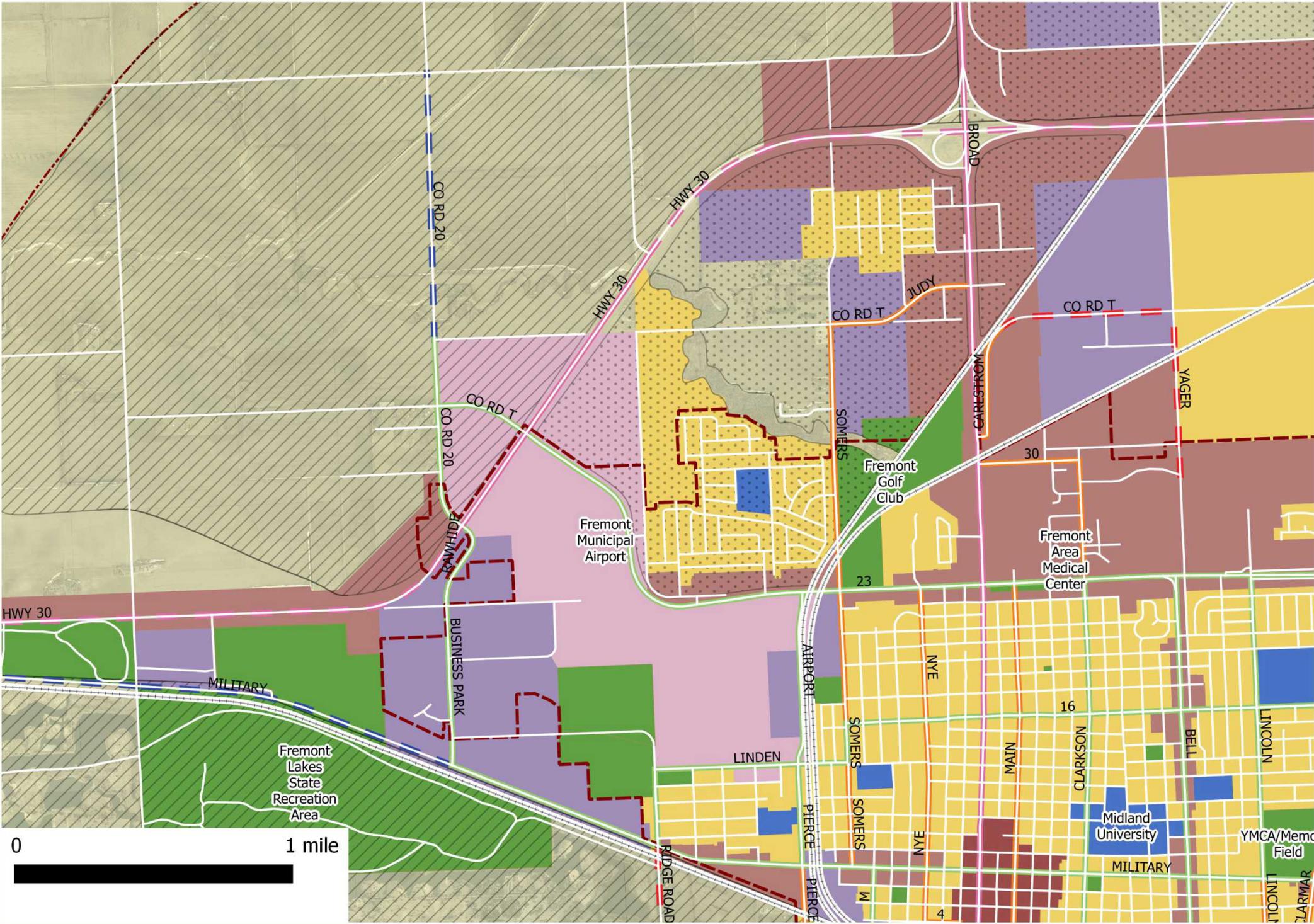
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Staff Report

TO: Planning Commission
FROM: Troy Anderson, Director of Planning
DATE: April 18, 2016
SUBJECT: Zoning Ordinance Amendment – Crop Production Definition

Background: As a result of the November 24, 2015, City Council meeting wherein a request of Interstate Commodities, Inc., on behalf of Frontier Cooperative, owner of approximately 12.0 acres located at 549 E Co. Rd. T, to rezone from AG Agricultural to GI General Industrial for the purposes of temporary grain ground storage pile(s) was tabled “until staff is ready,” with no date certain for reconsideration, and whereas temporary grain ground storage pile(s) could be interpreted as agricultural as opposed to industrial, Staff has prepared the following amendment to the definition of *crop production*:

303 Agricultural Use Types

Agricultural use types include the on-site production and sale of plant and animal products by agricultural methods.

b. Crop Production

The raising and harvesting of tree crops, row crops for field crops on an agricultural or commercial basis. This definition may include accessory retail sales ~~{under certain conditions}~~, and temporary grain ground storage pile(s), when approved as part of the site plan approval process as set forth in Section 1202.

NOTE: LANGUAGE WHICH IS **BOLD, UNDERLINED** HAS BEEN ADDED; LANGUAGE WHICH IS ~~{BRACKETS, STRICKEN}~~ HAS BEEN REMOVED.

This amendment would authorize temporary grain ground storage pile(s) located in AG Agricultural zoning districts to be permitted as a use by right, subject to site plan approval.

Fiscal Impact: N/A

Staff Report

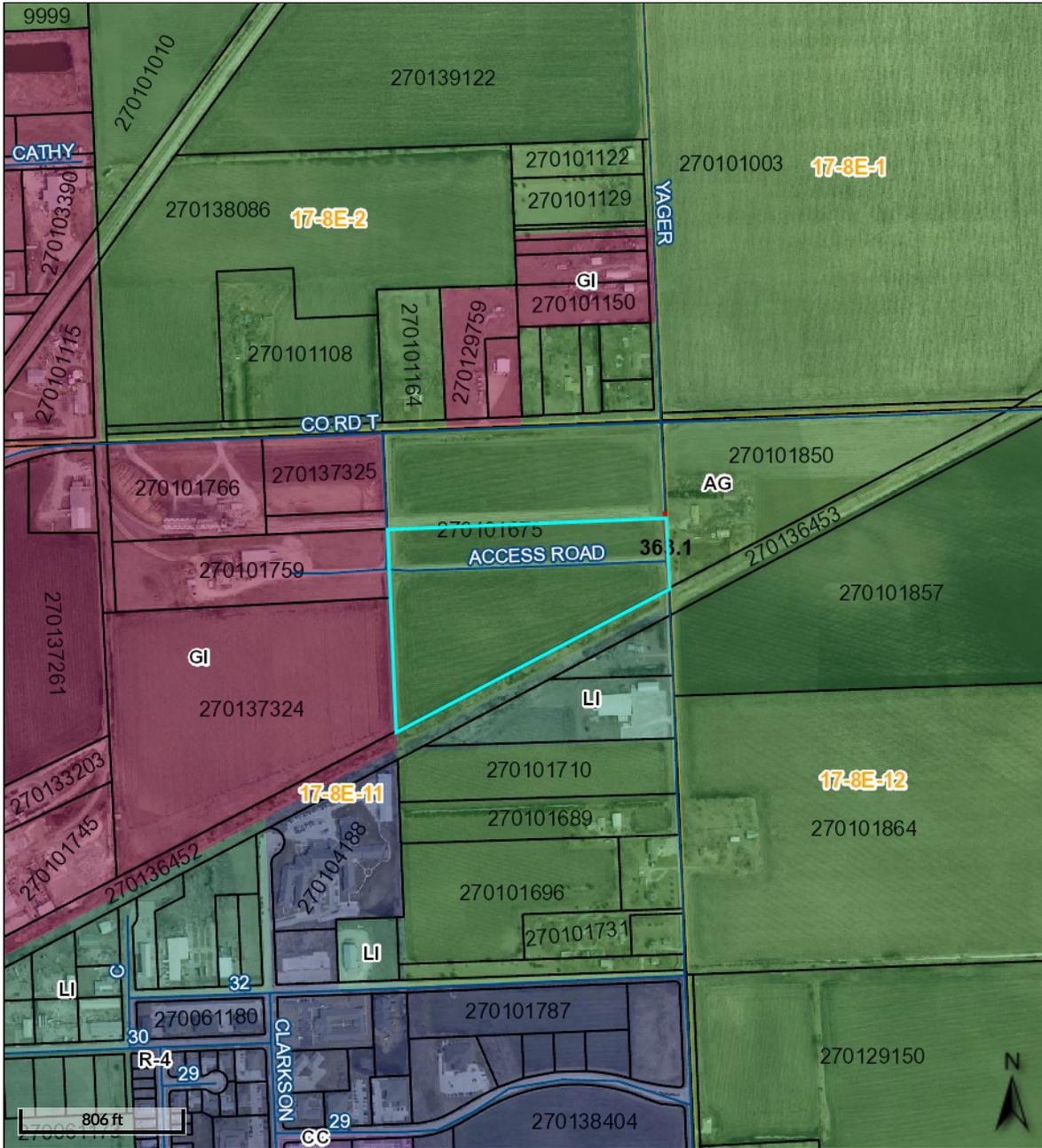
TO: Planning Commission
FROM: Troy Anderson, Director of Planning
DATE: April 18, 2016
SUBJECT: Zoning Change – 549 E Co. Rd. T

Background: The agent for the owner of approximately 20.2 acres located at 549 E Co. Rd. T, Interstate Commodities, Inc., is requesting approval of a zoning change from AG Agricultural to GI General Industrial. The reason for the request is to expand their current operations of open warehousing – particularly open grain storage.

The subject property is located along the west side of Yager Rd. between the former C&NW Railroad and County Road T. Properties to the north, are zoned AG Agricultural and are listed as agricultural; property to the east, opposite Yager Rd., are zoned AG Agricultural, consist of a residence and farm utility building and is listed as agricultural; properties to the south, opposite the former C&NW Railroad are zoned LI Limited Industrial consist of a residence and other out-buildings, material storage buildings, storage warehouse, and office buildings and are listed as residential and commercial respectively; and properties to the west are zoned GI General Industrial and consist of existing warehousing, both open and enclosed. The subject property is currently vacant/undeveloped.

The active Future Land Use Plan identifies the subject property as Rural. General Industrial would therefore be contrary to the active City's Comprehensive Plan for Future Land Use and Character. The pending Future Land Use Plan however identifies the subject property as Industrial.

Fiscal Impact: N/A



Overview

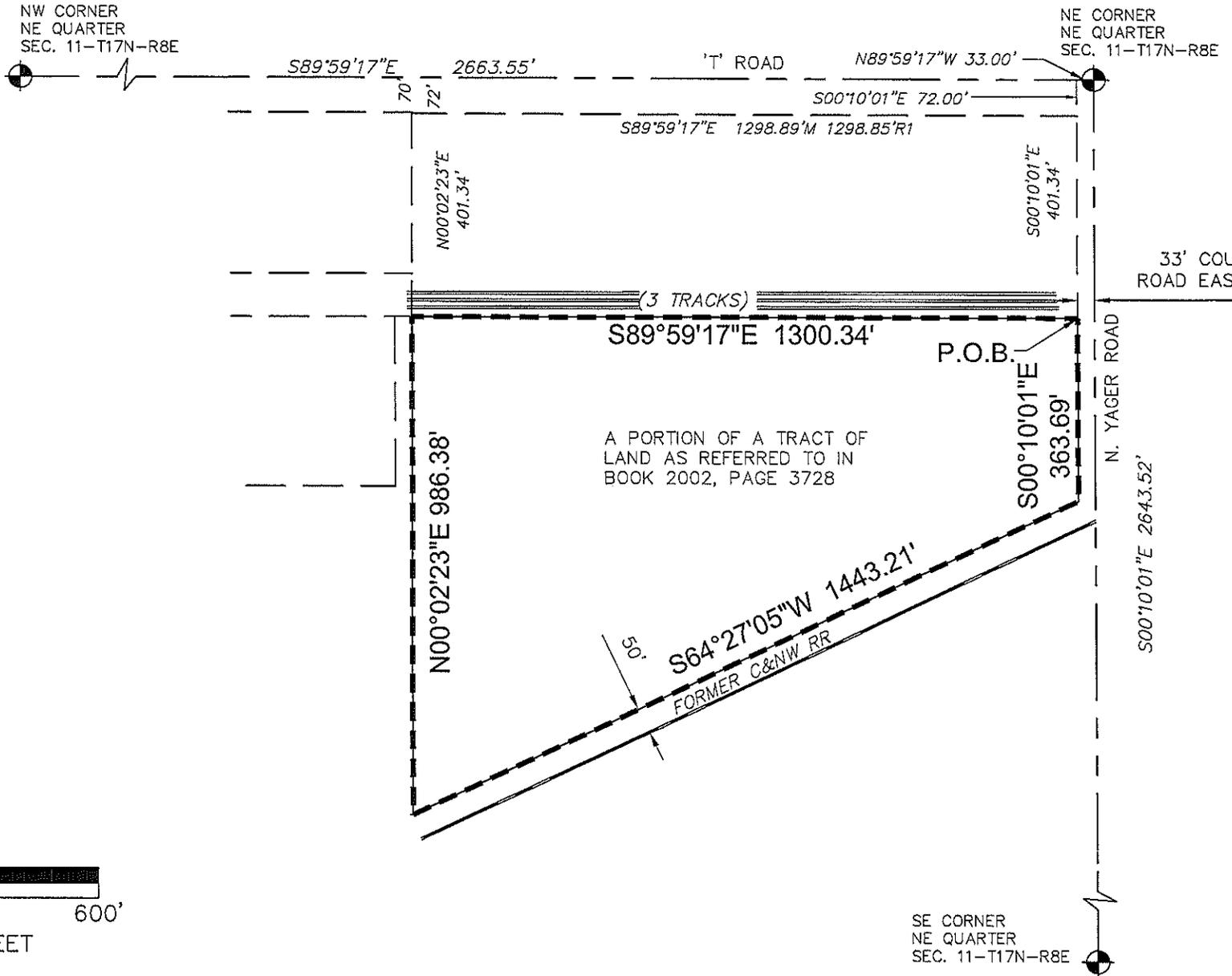
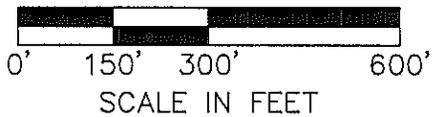


Legend

- Highways**
 - <all other values>
 - I
 - LS
 - N
 - R
 - US
- Parcels**
- Sections**
- Airport**
- Streets**
- Zoning**
 - <all other values>
 - AG
 - CC
 - CC/PD
 - DC
 - GC
 - GI
 - LI
 - MU
 - MU/TND
 - R-1
 - R-2
 - R-2/NC
 - R-3
 - R-4
 - R-5
 - RR
 - UC
 - UC/SC
 - UNKNOWN

Date created: 4/14/2016

DWG: F:\Projects\015-2713\40-Design\Survey\SRVY\Xref\V_COZ_15-2713.dwg
 DATE: Mar 11, 2016 8:06am XREFS: V_TOPO_152713
 USER: dthomson



PROJECT NO: 2015-2713

DRAWN BY: DAT

DATE: 03/11/16

CHANGE OF ZONE EXHIBIT



601 P Street, Suite 200
 P.O. Box 84608
 Lincoln, NE 68508
 TEL. 402.474.6311
 FAX 402.474.5160

Staff Report

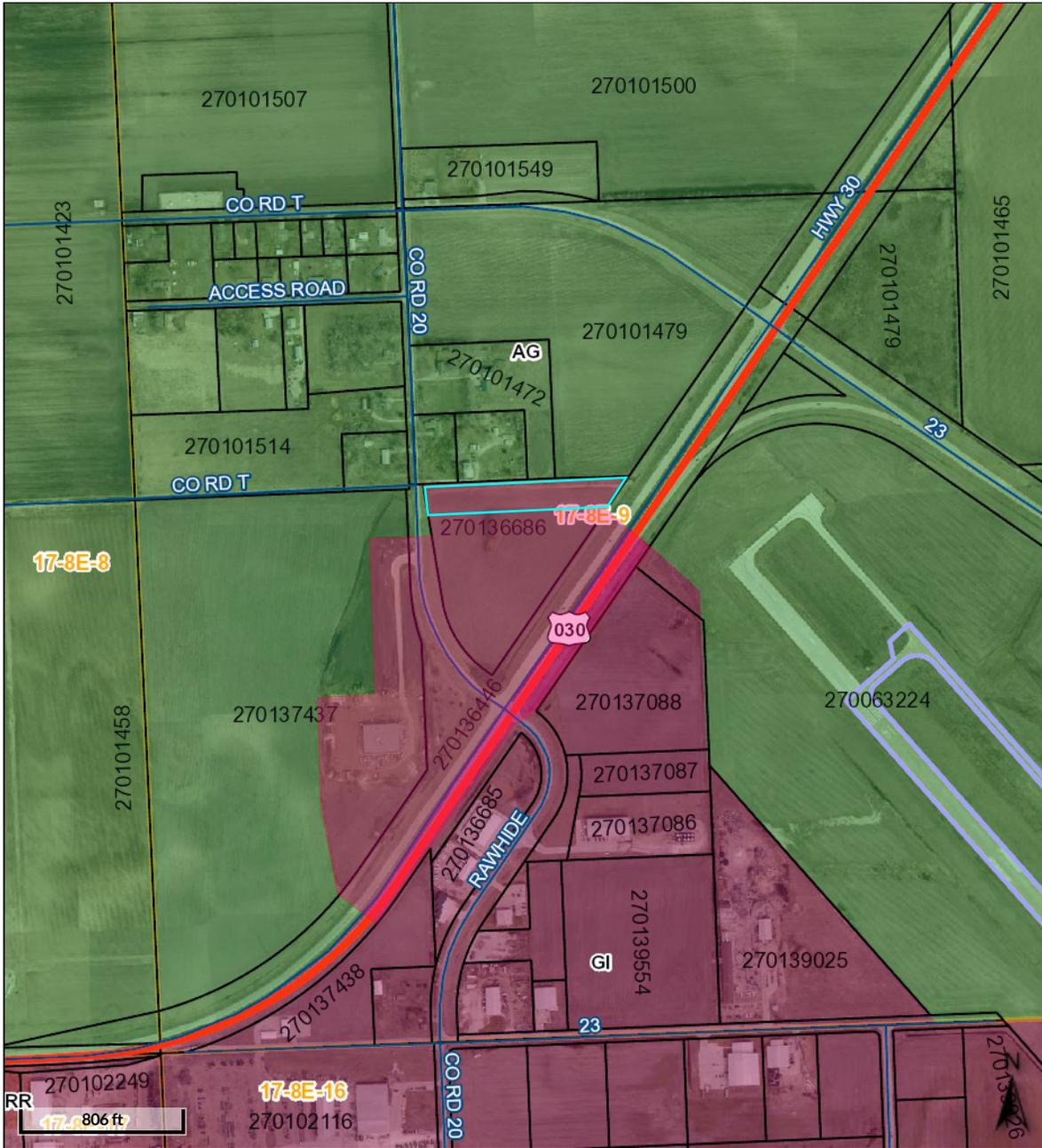
TO: Planning Commission
FROM: Troy Anderson, Director of Planning
DATE: April 18, 2016
SUBJECT: Zoning Change – 3000 N Co. Rd. 20

Background: The agent for the owner of approximately 2.2 acres located at 3000 N Co. Rd. 20, Dodd Engineering & Surveying, LLC, is requesting approval of a zoning change from GI General Industrial to LI Limited Industrial. The reason for the request is to reduce the bufferyard requirement otherwise necessary to develop said property.

The subject property is located along the east side of N Co. Rd. 20 between U.S. Hwy. 30 and County Road T. Properties to the north, are zoned AG Agricultural, consist of three residences, a recreational enclosure and farm utility buildings, and are listed as residential and real property (property owned by the Nebraska Department of Roads), respectively; property to the east, opposite U.S. Hwy. 30, is zoned AG Agricultural, consists of an airport runway and storage hangars and is listed as commercial; and properties to the south and to the west are zoned GI General Industrial and AG Agricultural, respectively, and are listed as agricultural. The subject property is currently vacant/undeveloped.

The active Future Land Use Plan identifies the subject property as Rural. Limited Industrial would therefore be contrary to the active City's Comprehensive Plan for Future Land Use and Character. The pending Future Land Use Plan identifies the subject property as Aviation/Airport.

Fiscal Impact: N/A



Overview



Legend

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Date created: 4/15/2016

Staff Report

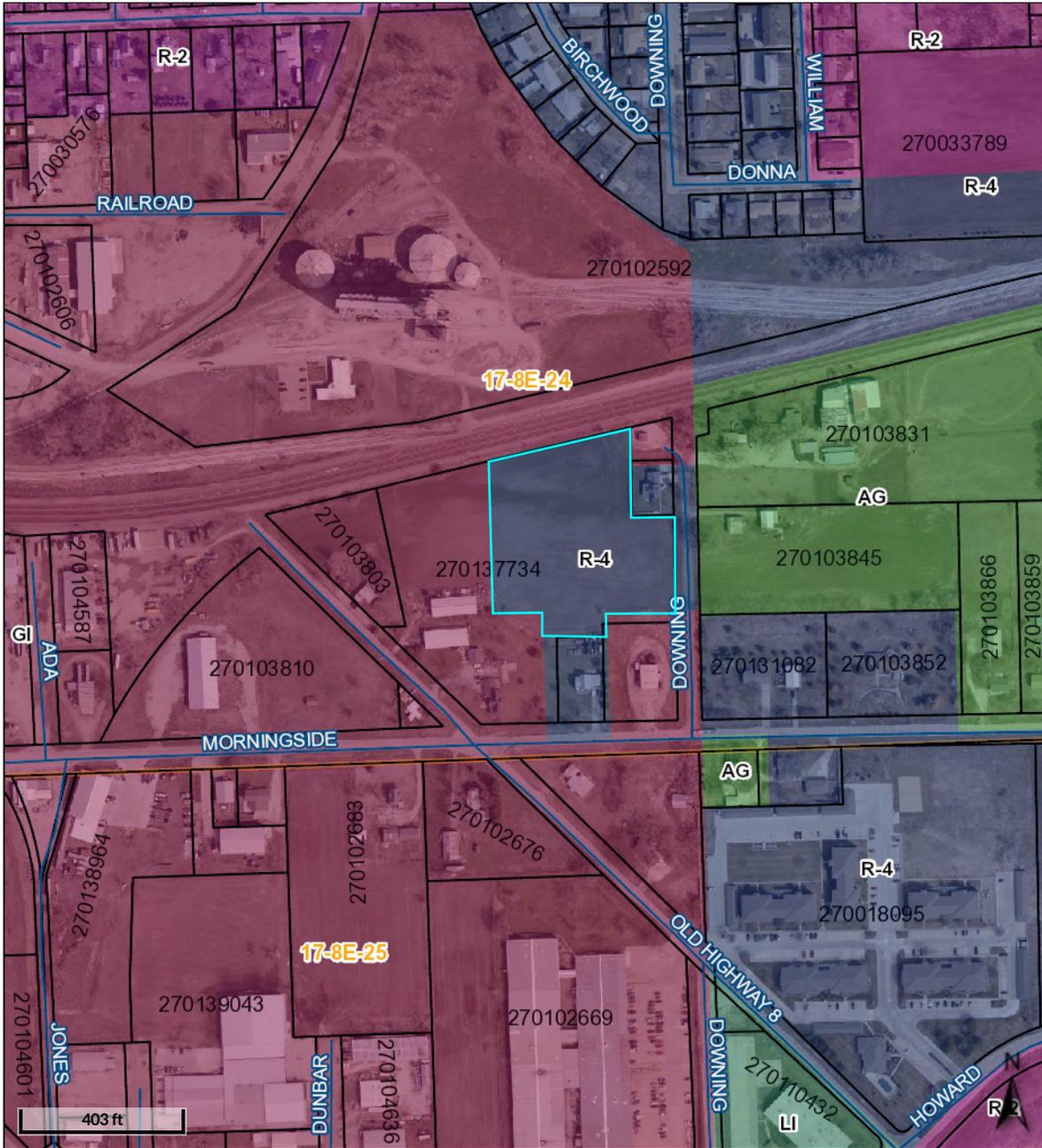
TO: Planning Commission
FROM: Troy Anderson, Director of Planning
DATE: April 18, 2016
SUBJECT: Zoning Change – 1804 Old Hwy 8

Background: The agent for the owner of approximately 4.2 acres located at 1804 Old Highway 8, Dodd Engineering & Surveying, LLC, is requesting approval of a zoning change from R-4 High Density Residential to GI General Industrial. The reason for the request is to expand industrial use of the property.

The subject property is located on the northeast corner of Old Hwy 8 and Morningside Rd. Property to the north, opposite the Union Pacific Railroad are zoned GI General Industrial, consist of an office, feed handling and mixing, industrial shells, and light commercial utility buildings, and is listed as commercial; properties to the east are zoned GI General Industrial, R-4 High-Density Residential, AG Agricultural (opposite Downing St.), and GI General Industrial, respectively, consist of two residences, a farm utility building, and a storage warehouse, and is listed as residential, residential, and commercial, respectively; property to the south is zoned R-4 High-Density Residential, consists of a residence, and is listed as residential; and property to the west is zoned GI General Industrial, consists of a residence, and is listed as residential. The subject property currently consists of a residence, and farm utility buildings, and is listed as residential.

The active Future Land Use Plan identifies the subject property as Suburban Residential. General Industrial would therefore be contrary to the active City's Comprehensive Plan for Future Land Use and Character. The pending Future Land Use Plan however identifies the subject property as Industrial.

Fiscal Impact: N/A



Overview



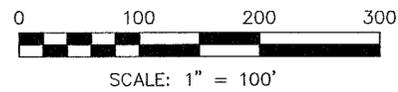
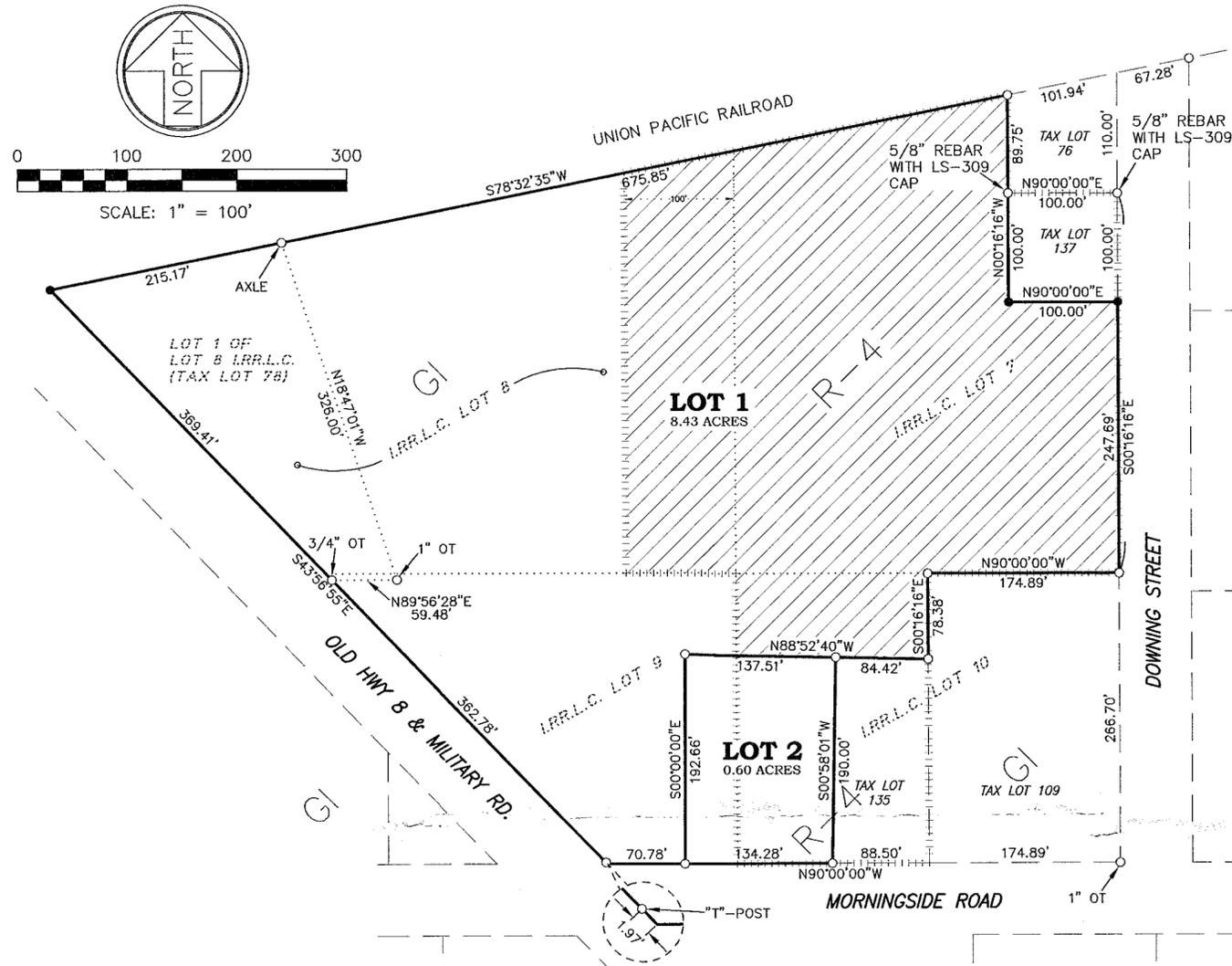
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Date created: 4/15/2016

FINAL PLAT OF SAWYER INDUSTRIAL PARK DODGE COUNTY, NEBRASKA

A REPLAT OF LOT 8, LOT 1 OF LOT 8, LOT 9 AND PARTS OF LOTS 7 AND 10 OF THE IOWA RAILROAD LAND COMPANY SUBDIVISION OF PART OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER AND PART OF THE SOUTHWEST QUARTER OF SECTION 24, TOWNSHIP 17 NORTH, RANGE 8 EAST OF THE 6TH P.M., DODGE COUNTY, NEBRASKA



- LEGEND**
- FOUND MONUMENT (5/8" REBAR UNLESS OTHERWISE SHOWN)
 - SET 3/4" REBAR WITH LS-503 CAP
 - OPEN TOP PIPE
 - PROPOSED LOT LINE
 - EXISTING LOT LINE
 - I.R.R.L.C. IOWA RAILROAD LAND COMPANY
 - EXISTING IOWA RAILROAD LAND COMPANY SUBDIVISION LOT LINE
 - ZONING LINE
 - ////// PROPOSED REZONING FROM R-4 TO GI

SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY AS THE UNDERSIGNED REGISTERED LAND SURVEYOR, THAT I HAVE SURVEYED THE TRACT OF LAND SHOWN AND DESCRIBED HEREON, AND THAT PERMANENT MARKERS WILL BE SET AS DESCRIBED HEREON, WITHIN 60 DAYS OF THE FILING OF THIS PLAT AT THE DODGE COUNTY REGISTER OF DEEDS OFFICE.



STEPHEN W. DODD, LS-503

LEGAL DESCRIPTION:

LOT 8, LOT 1 OF LOT 8, LOT 9 AND PARTS OF LOTS 7 AND 10 OF THE IOWA RAILROAD LAND COMPANY SUBDIVISION OF PART OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER AND PART OF THE SOUTHWEST QUARTER OF SECTION 24, TOWNSHIP 17 NORTH, RANGE 8 EAST OF THE 6TH P.M., DODGE COUNTY, NEBRASKA, MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHEAST CORNER OF SAID LOT 10 (ALSO BEING THE INTERSECTION OF THE NORTH LINE OF MORNINGSIDE ROAD AND THE WEST LINE OF DOWNING STREET); THENCE N90°00'00"W ALONG THE SOUTH LINE OF SAID LOT 10 (ALSO BEING THE NORTH LINE OF MORNINGSIDE ROAD) A DISTANCE OF 263.39 FEET TO THE SOUTHWEST CORNER OF TAX LOT 135, THE POINT OF BEGINNING; THENCE CONTINUING N90°00'00"W ALONG THE SOUTH LINE OF SAID LOTS 10 AND 9 (ALSO BEING THE NORTH LINE OF MORNINGSIDE ROAD) A DISTANCE OF 205.06 FEET TO THE SOUTHWEST CORNER OF SAID LOT 9 (ALSO BEING THE INTERSECTION OF THE NORTH LINE OF MORNINGSIDE ROAD AND THE NORTHEASTERLY LINE OF OLD HIGHWAY 8 AND MILITARY ROAD); THENCE N43°56'55"W ALONG THE SOUTHWESTERLY LINE OF SAID LOT 9 (ALSO BEING THE NORTHEASTERLY LINE OF OLD HIGHWAY 8 AND MILITARY ROAD) A DISTANCE OF 362.78 FEET TO THE SOUTHWEST CORNER OF SAID LOT 1 OF LOT 8; THENCE CONTINUING N43°56'55"W ALONG THE SOUTHWESTERLY LINE OF SAID LOT 1 OF LOT 8 (ALSO BEING THE NORTHEASTERLY LINE OF OLD HIGHWAY 8 AND MILITARY ROAD) A DISTANCE OF 369.41 FEET TO THE NORTHWEST CORNER OF SAID LOT 1 OF LOT 8 (ALSO BEING THE INTERSECTION OF THE NORTHEASTERLY LINE OF OLD HIGHWAY 8 AND MILITARY ROAD AND THE SOUTHERLY LINE OF THE UNION PACIFIC RAILROAD RIGHT-OF-WAY); THENCE N78°32'35"E ALONG THE NORTH LINE OF SAID LOT 1 OF LOT 8 (ALSO BEING THE SOUTHERLY LINE OF THE UNION PACIFIC RAILROAD RIGHT-OF-WAY) A DISTANCE OF 215.17 FEET TO THE NORTHEAST CORNER OF SAID LOT 1 OF LOT 8; THENCE CONTINUING N78°32'35"E ALONG THE NORTH LINE OF SAID LOTS 8 AND 7 (ALSO BEING THE SOUTHERLY LINE OF THE UNION PACIFIC RAILROAD RIGHT-OF-WAY) A DISTANCE OF 675.85 FEET TO THE NORTHWEST CORNER OF TAX LOT 76; THENCE S00°16'16"E ALONG THE WEST LINES OF TAX LOT 76 AND TAX LOT 137 A DISTANCE OF 189.75 FEET TO THE SOUTHWEST CORNER OF SAID TAX LOT 137; THENCE N90°00'00"E ALONG THE SOUTH LINE OF TAX LOT 137 A DISTANCE OF 100.00 FEET TO THE SOUTHEAST CORNER OF TAX LOT 137 (ALSO BEING ON THE EAST LINE OF SAID LOT 7 AND THE WEST LINE OF DOWNING STREET); THENCE S00°16'16"E ALONG THE EAST LINE OF SAID LOT 7 (ALSO BEING THE WEST LINE OF DOWNING STREET) A DISTANCE OF 247.69 FEET TO THE NORTHEAST CORNER OF TAX LOT 109; THENCE N90°00'00"W ALONG THE NORTH LINE OF TAX LOT 109 A DISTANCE OF 174.89 FEET TO THE NORTHWEST CORNER OF TAX LOT 109; THENCE S00°16'16"E ALONG THE WEST LINE OF TAX LOT 109 A DISTANCE OF 78.38 FEET TO THE NORTHEAST CORNER OF TAX LOT 135; THENCE N88°52'40"W ALONG THE NORTH LINE OF TAX LOT 135 A DISTANCE OF 84.42 FEET TO THE NORTHWEST CORNER OF TAX LOT 135; THENCE S00°58'01"W ALONG THE WEST LINE OF TAX LOT 135 A DISTANCE OF 190.00 FEET TO THE POINT OF BEGINNING; CONTAINING 9.03 ACRES, MORE OR LESS.

DEDICATION

KNOW ALL MEN BY THESE PRESENTS: THAT DONALD J. MAHRT AND CONNIE R. MAHRT; OWNERS AND PROPRIETORS OF THE TRACT OF LAND SHOWN AND DESCRIBED HEREON, HAVE CAUSED THE SAME TO BE DIVIDED INTO LOTS, SAID SUBDIVISION TO BE KNOWN AS SAWYER INDUSTRIAL PARK, THE LOTS TO BE NUMBERED AS SHOWN AND APPROVES OF THE DISPOSITION OF THE PROPERTY AS SHOWN ON THIS PLAT AND HEREBY GRANTS PERPETUAL EASEMENTS AT THE LOCATIONS AND TO THE WIDTHS SHOWN HEREON TO THE CITY OF FREMONT, ANY PUBLIC OR PRIVATE UTILITY COMPANY, AND FOR THE USE OF ABUTTING PROPERTY OWNERS, FOR THE SOLE PURPOSE OF CONSTRUCTION AND MAINTENANCE OF UTILITY LINES AND PIPES AND DRAINAGE FACILITIES. NO PERMANENT BUILDING OR RETAINING WALL SHALL BE PLACED IN THE ABOVE DESCRIBED EASEMENT WAYS, BUT THE SAME MAY BE USED FOR GARDENS, LANDSCAPING AND OTHER PURPOSES THAT DO NOT THEN OR LATER INTERFERE WITH THE AFORESAID USES OR RIGHTS HEREIN GRANTED.

IN WITNESS WHEREOF, WE DO HEREBY SET OUR HANDS THE

_____ DAY OF _____, 2016, A.D.

DONALD J. MAHRT

CONNIE R. MAHRT

ACKNOWLEDGMENT

STATE OF NEBRASKA)
COUNTY OF DODGE) SS

ON THIS _____ DAY OF _____, A.D. 2016, BEFORE ME, A GENERAL NOTARY PUBLIC, PERSONALLY APPEARED DONALD J. MAHRT AND CONNIE R. MAHRT, WHO ARE KNOWN TO ME TO BE THE IDENTICAL PERSONS WHOSE NAMES APPEAR ON THE FOREGOING DEDICATION, AND WHO HEREBY ACKNOWLEDGE THE SIGNING OF SAID INSTRUMENT TO BE THEIR VOLUNTARY ACT AND DEED.

WITNESS MY HAND AND OFFICIAL SEAL DATE LAST AFORESAID.

GENERAL NOTARY PUBLIC
COMMISSION EXPIRES _____

PLANNING COMMISSION APPROVAL

ON THIS _____ DAY OF _____, A.D. 2016, THIS PLAT OF SAWYER INDUSTRIAL PARK WAS APPROVED AND ACCEPTED BY THE PLANNING COMMISSION OF THE CITY OF FREMONT, DODGE COUNTY, NEBRASKA.

CHAIR

CITY COUNCIL ACCEPTANCE

ON THIS _____ DAY OF _____, A.D. 2016, THIS PLAT OF SAWYER INDUSTRIAL PARK WAS APPROVED AND ACCEPTED BY RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FREMONT, DODGE COUNTY, NEBRASKA.

MAYOR

CLERK

**SAWYER INDUSTRIAL PARK
DODGE COUNTY, NEBRASKA.**

FINAL PLAT

Email: Steve@doddengineering.net
 402 North D St., P.O. Box 1855
 Fremont, NE 68026-1855
Dodd Engineering & Surveying LLC
 Stephen W. Dodd, P.E. & L.S.
 Ph. 402-727-9067

Staff Report

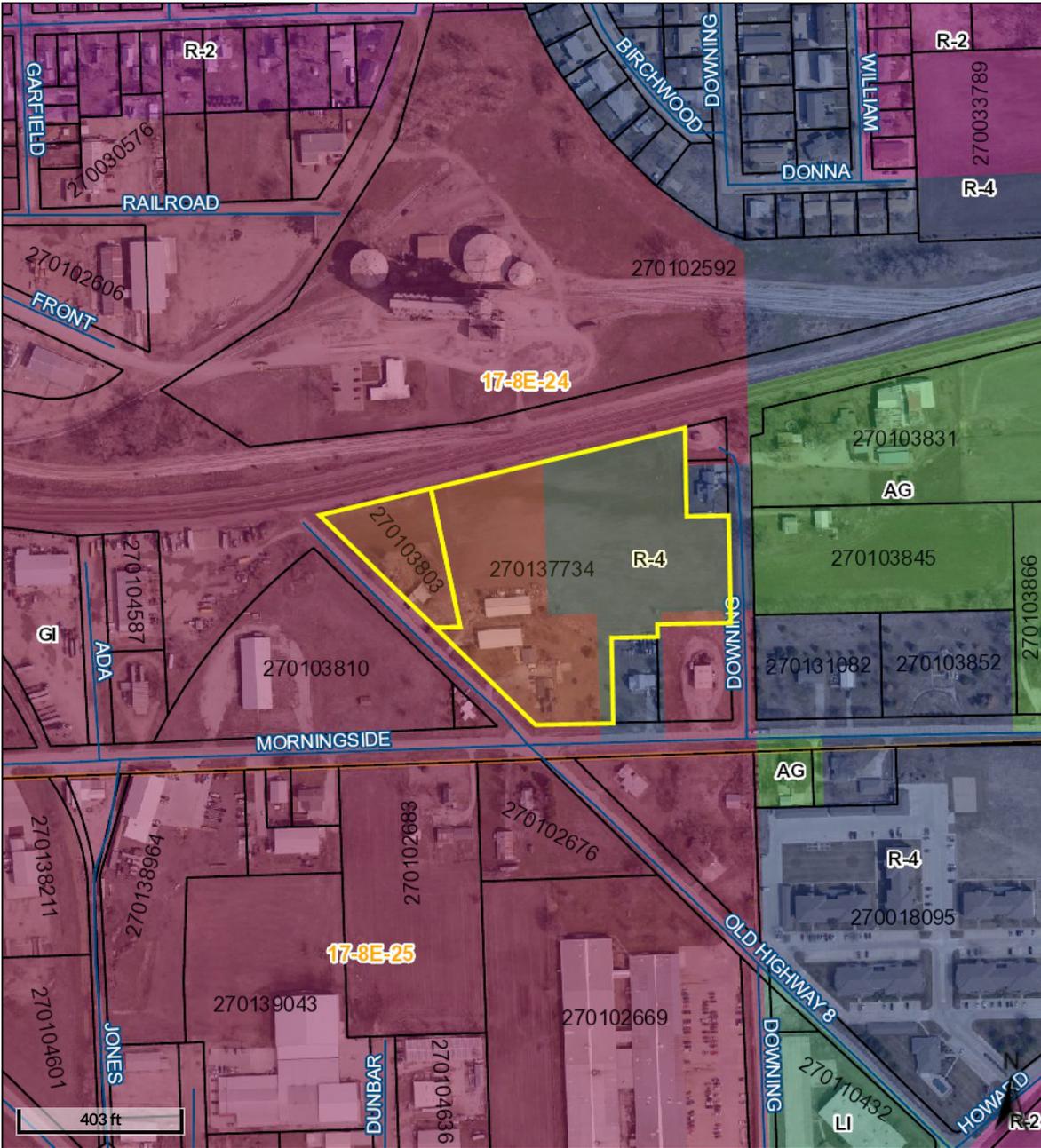
TO: Planning Commission
FROM: Troy Anderson, Director of Planning
DATE: April 18, 2016
SUBJECT: Final Plat – 1804 Old Hwy 8.

Background: The agent for the owner of approximately 9.0 acres located at 1804 Old Hwy 8, Dodd Engineering & Surveying, LLC, is requesting approval of a Final Plat to be known as Sawyer Industrial Park. The reason for the request is to replat previously platted lots, parts of lots, and part of an unplatted tract of land.

The property is partially zoned GI General Industrial and partially R-4 High-Density Residential. The two (2) lots being proposed meet or exceed the area [five thousand (5,000) square feet and six thousand (6,000) square feet, respectively] and width [fifty (50) feet and sixty (60) feet, respectively] requirements for lots in GI General Industrial and R-4 High-Density Residential zoning districts. The lots front along a public right-of-way [Old Hwy 8, Morningside Rd., and Downing St.], and are served by all necessary utilities.

The proposed plat appears to meet all state and local requirements for subdivisions.

Fiscal Impact: N/A



Overview



Legend

- Highways**
 - <all other values>
 - I
 - LS
 - N
 - R
 - US
- Parcels**
- Sections**
- Airport**
- Streets**
- Zoning**
 - <all other values>
 - AG
 - CC
 - CC/PD
 - DC
 - GC
 - GI
 - LI
 - MU
 - MU/TND
 - R-1
 - R-2
 - R-2/NC
 - R-3
 - R-4
 - R-5
 - RR
 - UC
 - UC/SC
 - UNKNOWN

Date created: 4/15/2016

FINAL PLAT OF SAWYER INDUSTRIAL PARK

DODGE COUNTY, NEBRASKA

A REPLAT OF LOT 8, LOT 1 OF LOT 8, LOT 9 AND PARTS OF LOTS 7 AND 10 OF THE IOWA RAILROAD LAND COMPANY SUBDIVISION OF PART OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER AND PART OF THE SOUTHWEST QUARTER OF SECTION 24, TOWNSHIP 17 NORTH, RANGE 8 EAST OF THE 6TH P.M., DODGE COUNTY, NEBRASKA

LEGAL DESCRIPTION:

LOT 8, LOT 1 OF LOT 8, LOT 9 AND PARTS OF LOTS 7 AND 10 OF THE IOWA RAILROAD LAND COMPANY SUBDIVISION OF PART OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER AND PART OF THE SOUTHWEST QUARTER OF SECTION 24, TOWNSHIP 17 NORTH, RANGE 8 EAST OF THE 6TH P.M., DODGE COUNTY, NEBRASKA, MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHEAST CORNER OF SAID LOT 10 (ALSO BEING THE INTERSECTION OF THE NORTH LINE OF MORNINGSIDE ROAD AND THE WEST LINE OF DOWNING STREET); THENCE N90°00'00"W ALONG THE SOUTH LINE OF SAID LOT 10 (ALSO BEING THE NORTH LINE OF MORNINGSIDE ROAD) A DISTANCE OF 263.39 FEET TO THE SOUTHWEST CORNER OF TAX LOT 135, THE POINT OF BEGINNING; THENCE CONTINUING N90°00'00"W ALONG THE SOUTH LINE OF SAID LOTS 10 AND 9 (ALSO BEING THE NORTH LINE OF MORNINGSIDE ROAD) A DISTANCE OF 205.06 FEET TO THE SOUTHWEST CORNER OF SAID LOT 9 (ALSO BEING THE INTERSECTION OF THE NORTH LINE OF MORNINGSIDE ROAD AND THE NORTHEASTERLY LINE OF OLD HIGHWAY 8 AND MILITARY ROAD); THENCE N43°56'55"W ALONG THE SOUTHWESTERLY LINE OF SAID LOT 9 (ALSO BEING THE NORTHEASTERLY LINE OF OLD HIGHWAY 8 AND MILITARY ROAD) A DISTANCE OF 362.78 FEET TO THE SOUTHWEST CORNER OF SAID LOT 1 OF LOT 8; THENCE CONTINUING N43°56'55"W ALONG THE SOUTHWESTERLY LINE OF SAID LOT 1 OF LOT 8 (ALSO BEING THE NORTHEASTERLY LINE OF OLD HIGHWAY 8 AND MILITARY ROAD) A DISTANCE OF 369.41 FEET TO THE NORTHWEST CORNER OF SAID LOT 1 OF LOT 8 (ALSO BEING THE INTERSECTION OF THE NORTHEASTERLY LINE OF OLD HIGHWAY 8 AND MILITARY ROAD AND THE SOUTHERLY LINE OF THE UNION PACIFIC RAILROAD RIGHT-OF-WAY); THENCE N78°32'35"E ALONG THE NORTH LINE OF SAID LOT 1 OF LOT 8 (ALSO BEING THE SOUTHERLY LINE OF THE UNION PACIFIC RAILROAD RIGHT-OF-WAY) A DISTANCE OF 215.17 FEET TO THE NORTHEAST CORNER OF SAID LOT 1 OF LOT 8; THENCE CONTINUING N78°32'35"E ALONG THE NORTH LINE OF SAID LOTS 8 AND 7 (ALSO BEING THE SOUTHERLY LINE OF THE UNION PACIFIC RAILROAD RIGHT-OF-WAY) A DISTANCE OF 675.85 FEET TO THE NORTHWEST CORNER OF TAX LOT 76; THENCE S00°16'16"E ALONG THE WEST LINES OF TAX LOT 76 AND TAX LOT 137 A DISTANCE OF 189.75 FEET TO THE SOUTHWEST CORNER OF SAID TAX LOT 137; THENCE N90°00'00"E ALONG THE SOUTH LINE OF TAX LOT 137 A DISTANCE OF 100.00 FEET TO THE SOUTHEAST CORNER OF TAX LOT 137 (ALSO BEING ON THE EAST LINE OF SAID LOT 7 AND THE WEST LINE OF DOWNING STREET); THENCE S00°16'16"E ALONG THE EAST LINE OF SAID LOT 7 (ALSO BEING THE WEST LINE OF DOWNING STREET) A DISTANCE OF 247.69 FEET TO THE NORTHEAST CORNER OF TAX LOT 109; THENCE N90°00'00"W ALONG THE NORTH LINE OF TAX LOT 109 A DISTANCE OF 174.89 FEET TO THE NORTHWEST CORNER OF TAX LOT 109; THENCE S00°16'16"E ALONG THE WEST LINE OF TAX LOT 109 A DISTANCE OF 78.38 FEET TO THE NORTHEAST CORNER OF TAX LOT 135; THENCE N88°52'40"W ALONG THE NORTH LINE OF TAX LOT 135 A DISTANCE OF 84.42 FEET TO THE NORTHWEST CORNER OF TAX LOT 135; THENCE S00°58'01"W ALONG THE WEST LINE OF TAX LOT 135 A DISTANCE OF 190.00 FEET TO THE POINT OF BEGINNING; CONTAINING 9.03 ACRES, MORE OR LESS.

DEDICATION

KNOW ALL MEN BY THESE PRESENTS: THAT DONALD J. MAHRT AND CONNIE R. MAHRT, OWNERS AND PROPRIETORS OF THE TRACT OF LAND SHOWN AND DESCRIBED HEREON, HAVE CAUSED THE SAME TO BE DIVIDED INTO LOTS, SAID SUBDIVISION TO BE KNOWN AS SAWYER INDUSTRIAL PARK, THE LOTS TO BE NUMBERED AS SHOWN AND APPROVES OF THE DISPOSITION OF THE PROPERTY AS SHOWN ON THIS PLAT AND HEREBY GRANTS PERPETUAL EASEMENTS AT THE LOCATIONS AND TO THE WIDTHS SHOWN HEREON TO THE CITY OF FREMONT, ANY PUBLIC OR PRIVATE UTILITY COMPANY, AND FOR THE USE OF ADJUTING PROPERTY OWNERS, FOR THE SOLE PURPOSE OF CONSTRUCTION AND MAINTENANCE OF UTILITY LINES AND PIPES AND DRAINAGE FACILITIES. NO PERMANENT BUILDING OR RETAINING WALL SHALL BE PLACED IN THE ABOVE DESCRIBED EASEMENT WAYS, BUT THE SAME MAY BE USED FOR GARDENS, LANDSCAPING AND OTHER PURPOSES THAT DO NOT THEN OR LATER INTERFERE WITH THE AFORESAID USES OR RIGHTS HEREIN GRANTED.

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_____ DAY OF _____, 2016, A.D.

DONALD J. MAHRT

CONNIE R. MAHRT

ACKNOWLEDGMENT

STATE OF NEBRASKA)

SS

COUNTY OF DODGE)

ON THIS _____ DAY OF _____, A.D. 2016, BEFORE ME, A GENERAL NOTARY PUBLIC, PERSONALLY APPEARED DONALD J. MAHRT AND CONNIE R. MAHRT, WHO ARE KNOWN TO ME TO BE THE IDENTICAL PERSONS WHOSE NAMES APPEAR ON THE FOREGOING DEDICATION, AND WHO HEREBY ACKNOWLEDGE THE SIGNING OF SAID INSTRUMENT TO BE THEIR VOLUNTARY ACT AND DEED.

WITNESS MY HAND AND OFFICIAL SEAL DATE LAST AFORESAID.

GENERAL NOTARY PUBLIC _____

COMMISSION EXPIRES _____

PLANNING COMMISSION APPROVAL

ON THIS _____ DAY OF _____, A.D. 2016, THIS PLAT OF SAWYER INDUSTRIAL PARK WAS APPROVED AND ACCEPTED BY THE PLANNING COMMISSION OF THE CITY OF FREMONT, DODGE COUNTY, NEBRASKA.

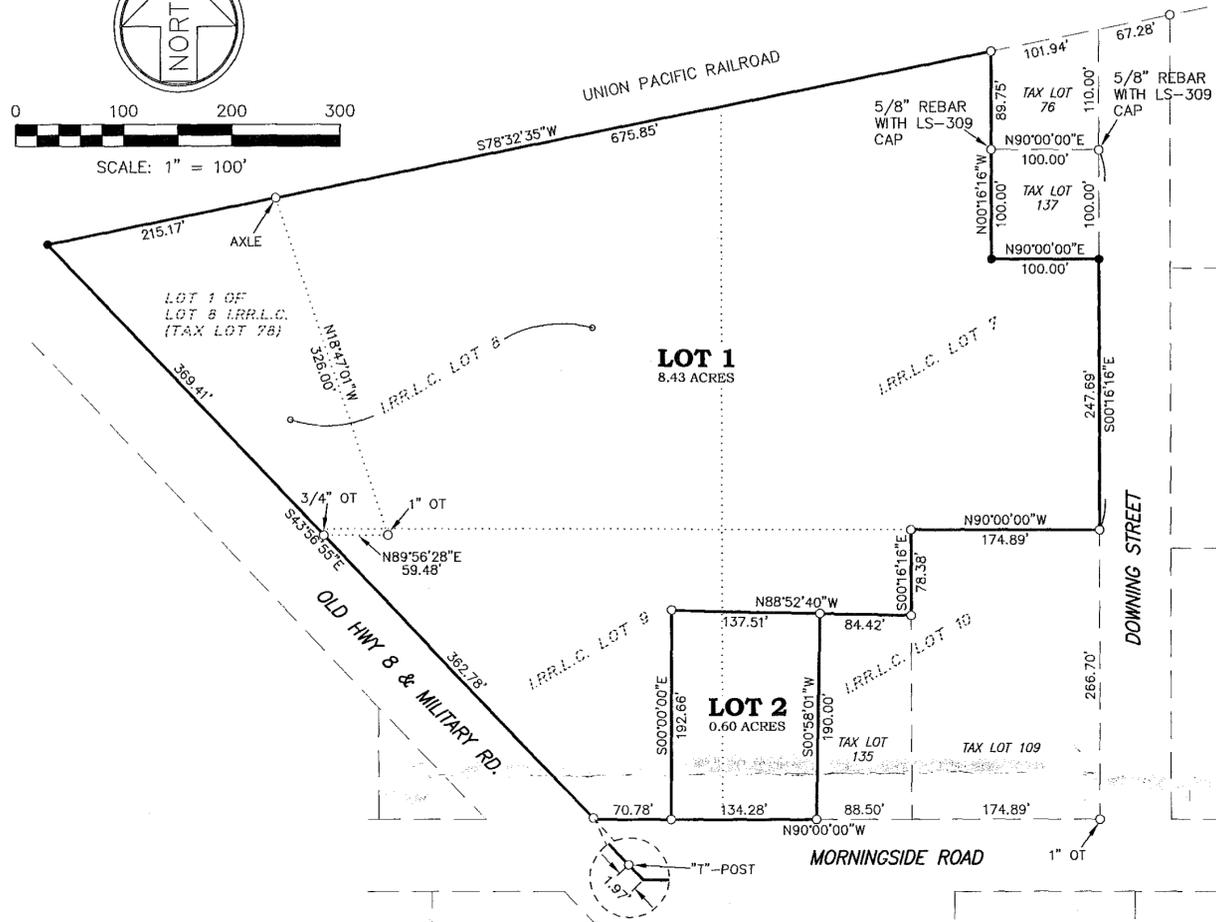
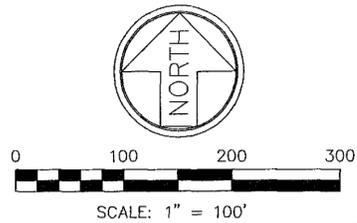
CHAIR _____

CITY COUNCIL ACCEPTANCE

ON THIS _____ DAY OF _____, A.D. 2016, THIS PLAT OF SAWYER INDUSTRIAL PARK WAS APPROVED AND ACCEPTED BY RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FREMONT, DODGE COUNTY, NEBRASKA.

MAYOR _____

CLERK _____



LEGEND

- FOUND MONUMENT (5/8" REBAR UNLESS OTHERWISE SHOWN)
- SET 3/4" REBAR WITH LS-503 CAP
- OT OPEN TOP PIPE
- PROPOSED LOT LINE
- - - EXISTING LOT LINE
- I.R.R.L.C. IOWA RAILROAD LAND COMPANY
- - - EXISTING IOWA RAILROAD LAND COMPANY SUBDIVISION LOT LINE

SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY AS THE UNDERSIGNED REGISTERED LAND SURVEYOR, THAT I HAVE SURVEYED THE TRACT OF LAND SHOWN AND DESCRIBED HEREON, AND THAT PERMANENT MARKERS WILL BE SET AS DESCRIBED HEREON, WITHIN 60 DAYS OF THE FILING OF THIS PLAT AT THE DODGE COUNTY REGISTER OF DEEDS OFFICE.

STEPHEN W. DODD, LS-503



SAWYER INDUSTRIAL PARK
DODGE COUNTY, NEBRASKA.

FINAL PLAT

Dodd Engineering & Surveying LLC
 Email: Steve@doddengineering.net
 402 North D St., P.O. Box 1855
 Fremont, NE 68026-1855
 Stephen W. Dodd, P.E. & L.S. Ph. 402-727-9067

Staff Report

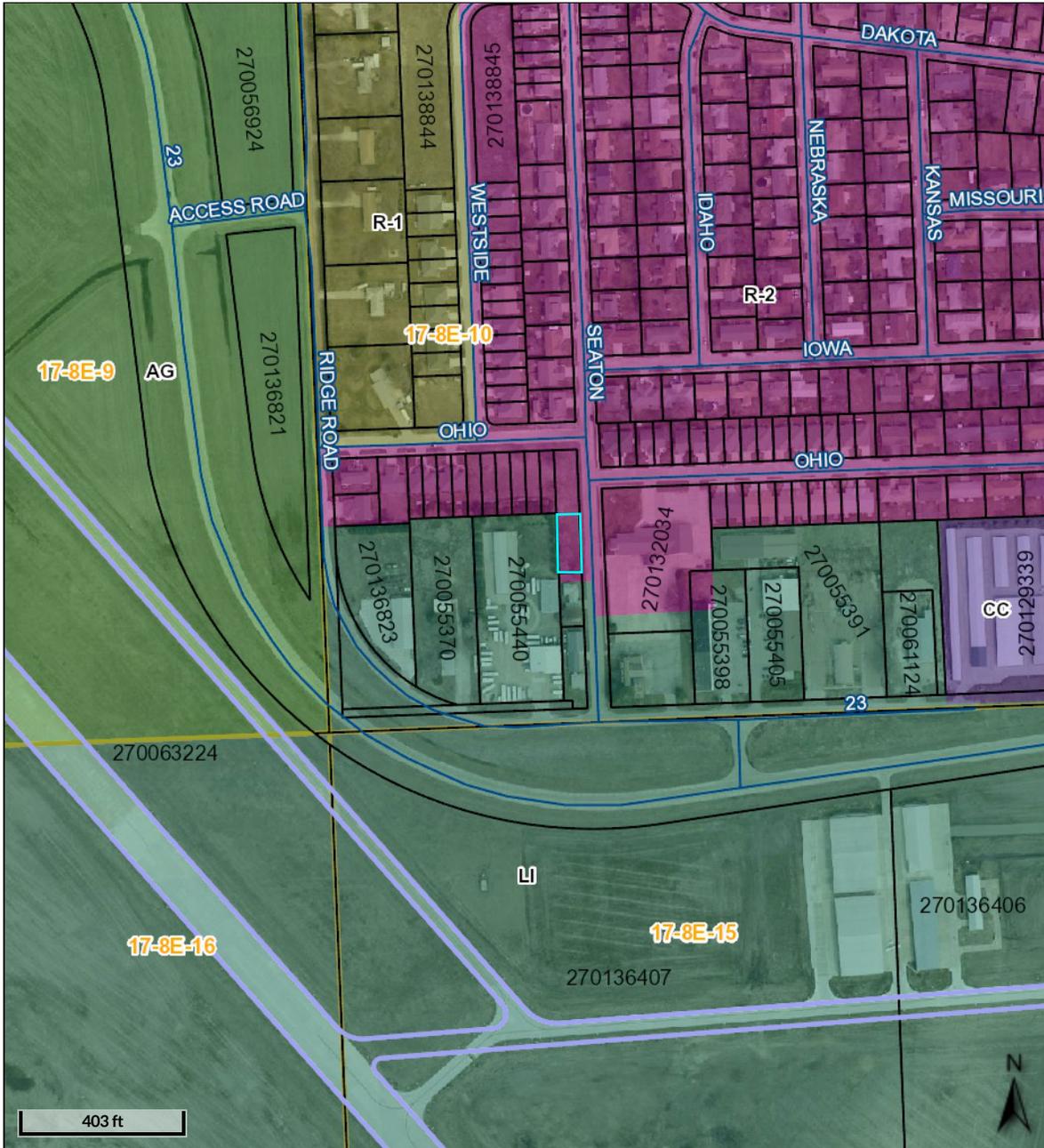
TO: Planning Commission
FROM: Troy Anderson, Director of Planning
DATE: April 18, 2016
SUBJECT: Zoning Change – 1820 W 23rd St.

Background: The owner of approximately 7,800 square feet located at 1820 W 23rd St., RML Investments, Inc., is requesting approval of a zoning change from R-2 Moderate-Density Residential to LI Limited Industrial. The reason for the request is to expand industrial use of the property.

The subject property is located along the west side of Seaton Ave., between W. 23rd St. and Ohio St. Property to the north, is zoned R-2 Moderate-Density Residential, is vacant/undeveloped, and is listed as real property; property to the east is zoned partially R-2 Moderate-Density Residential and partially LI Limited Industrial, consists of a church, and is listed as real property; property to the south is zoned LI Limited Industrial, consists of a residence, and is listed as residential; and property to the west is zoned LI Limited Industrial, consists of a storage garage, a light commercial utility building, and mini-warehouses, and is listed as commercial. The subject property is currently vacant/undeveloped.

The active Future Land Use Plan identifies the subject property as Auto-Urban Commercial. Limited Industrial would therefore be contrary to the active City's Comprehensive Plan for Future Land Use and Character. The pending Future Land Use Plan identifies the subject property as Commercial.

Fiscal Impact: N/A



Overview



Legend

- Highways**
 - <all other values>
 - I
 - LS
 - N
 - R
 - US
- Parcels**
- Sections**
- Airport**
- Streets**
- Zoning**
 - <all other values>
 - AG
 - CC
 - CC/PD
 - DC
 - GC
 - GI
 - LI
 - MU
 - MU/TND
 - R-1
 - R-2
 - R-2/NC
 - R-3
 - R-4
 - R-5
 - RR
 - UC
 - UC/SC
 - UNKNOWN

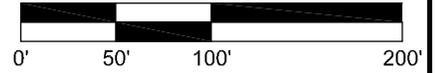
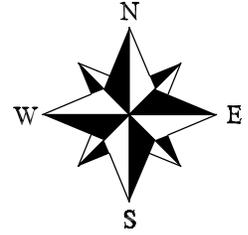
Date created: 4/15/2016

PROPOSED ZONING CHANGE

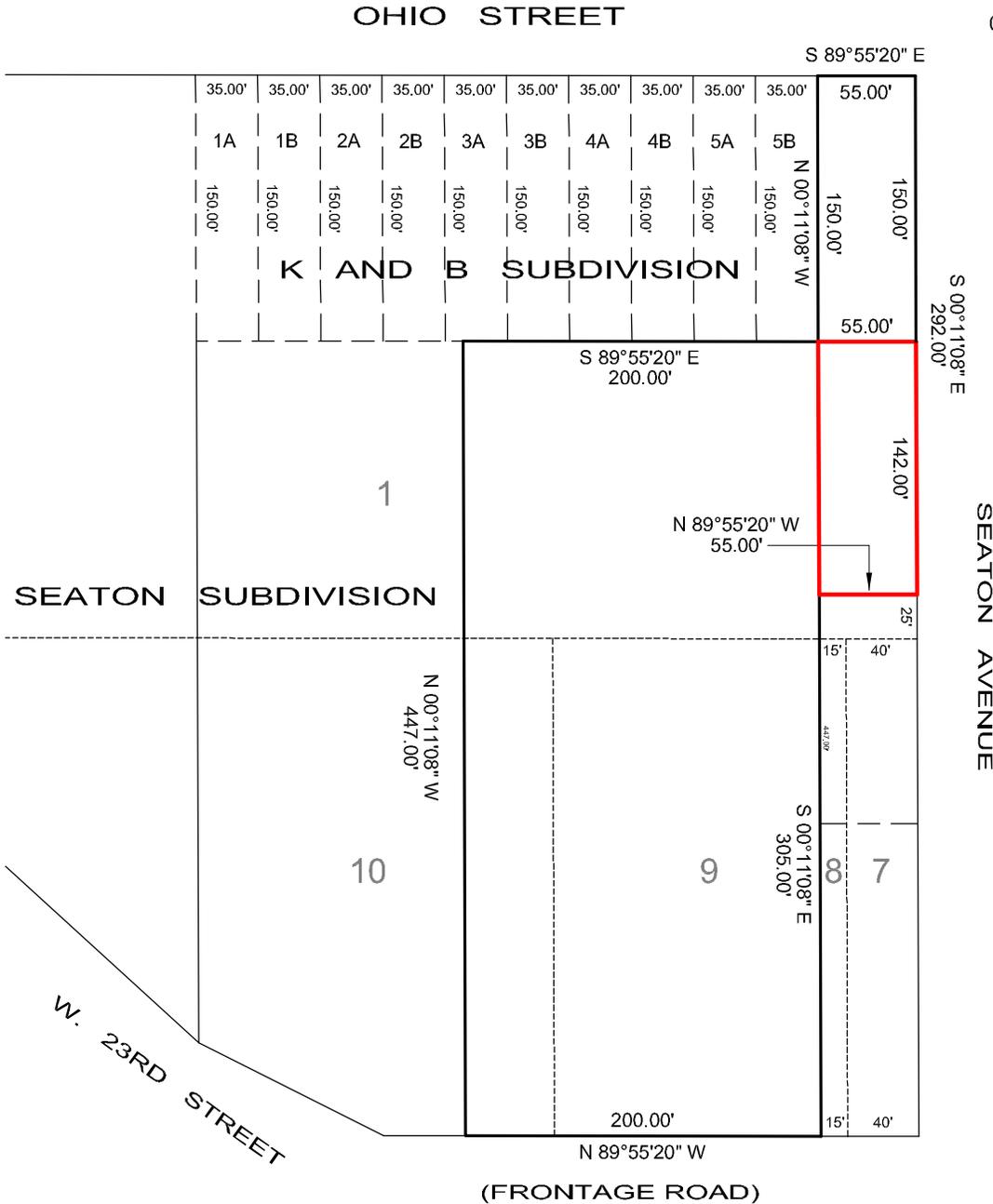
PART OF LOT 1, OF SEATON SUBDIVISION
SECTION 10, T17N, R8E OF THE SIXTH P.M., DODGE COUNTY, NEBRASKA

LEGAL DESCRIPTION FOR PROPOSED ZONING CHANGE :

The East 55 feet, of the South 142 feet, of the North 292 feet of Lot 1, of Seaton Subdivision, located in Section 10, Township 17 North, Range 8 East of the Sixth P.M., Dodge County, Nebraska.



SCALE: 1" = 100'



APEX
LAND SURVEYING, LLC
Danny Martinez, RLS
125 N. Clamar Ave.
Fremont, Nebraska 68025
(402) 720-9339 Office / Mobile
danm.surveying@gmail.com

Client:		RML Investments, Inc.	
Date:	03/17/2016	Project No.:	RML-SeatonSub-ZoningChange-Fremont-DodgeCo
Scale:	1" = 100'	Drawing File:	RML-SeatonSub-ZoningChange-Fremont-DodgeCo.dwg
Sheet:	1 of 1	Issue No.:	Option 1

Staff Report

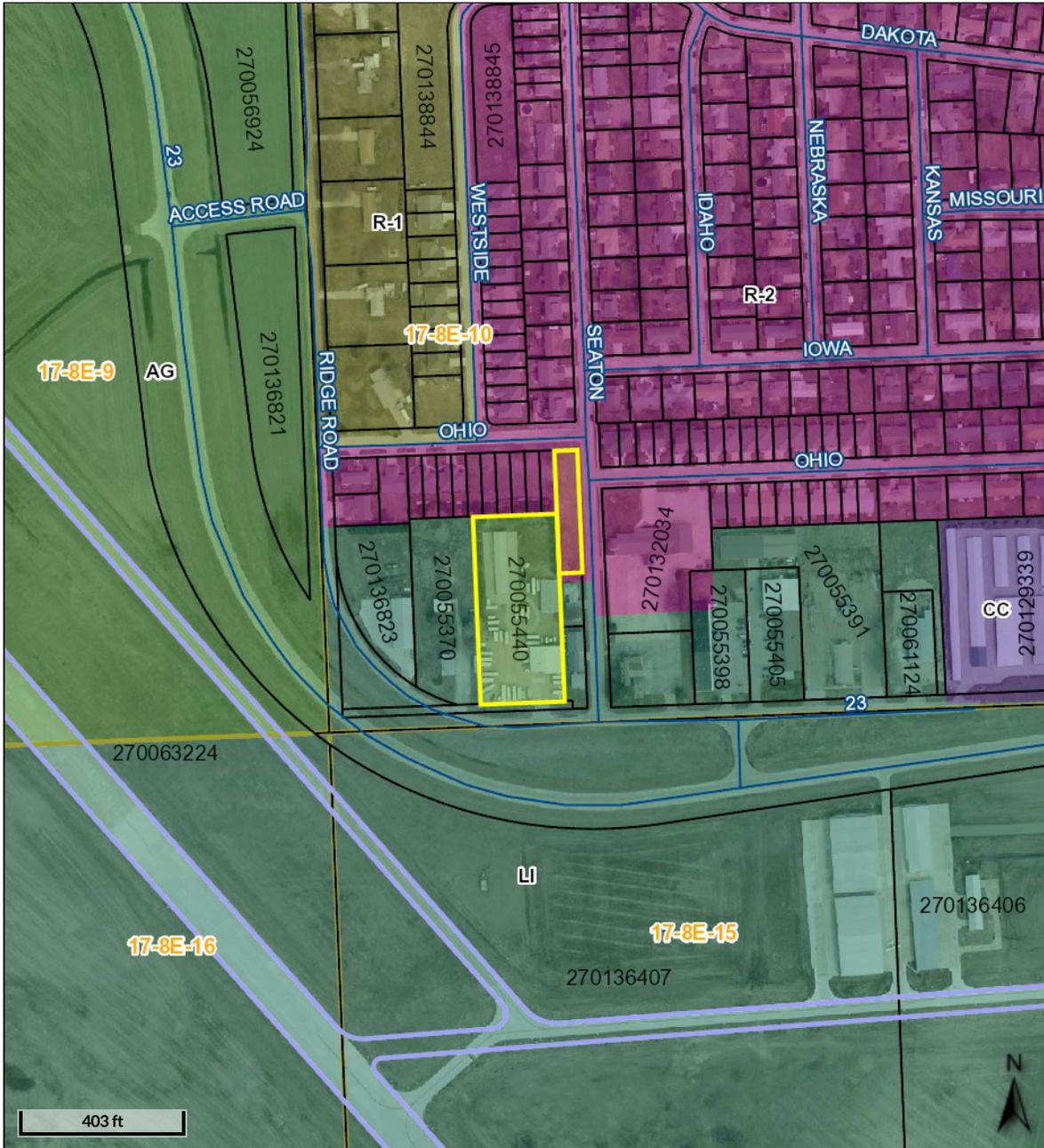
TO: Planning Commission
FROM: Troy Anderson, Director of Planning
DATE: April 18, 2016
SUBJECT: Final Plat – 1820 W 23rd St.

Background: The owner of approximately 2.4 acres located at 1820 W 23rd St., RML Investments, Inc., is requesting approval of a Final Plat to be known as Seaton Subdivision Replat. The reason for the request is to replat parts of previously platted lots.

The property is partially zoned LI Limited Industrial and partially R-2 Moderate-Density Residential. The two (2) lots being proposed meet or exceed the area [five thousand (5,000) square feet and six thousand (6,000) square feet, respectively] and width [fifty (50) feet and sixty (60) feet, respectively] requirements for lots in LI Limited Industrial and R-2 Moderate-Density Residential zoning districts. The lots front along a public right-of-way [W 23rd St., Seaton Ave., and Ohio St.], and are served by all necessary utilities.

The proposed plat appears to meet all state and local requirements for subdivisions.

Fiscal Impact: N/A



Overview



Legend

Highways

- <all other values>
- I
- LS
- N
- R
- US

Parcels

Sections

Airport

Streets

Zoning

- <all other values>
- AG
- CC
- CC/PD
- DC
- GC
- GI
- LI
- MU
- MU/TND
- R-1
- R-2
- R-2/NC
- R-3
- R-4
- R-5
- RR
- UC
- UC/SC
- UNKNOWN

Date created: 4/15/2016

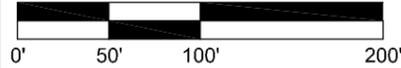
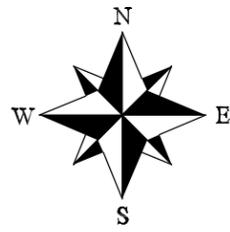
SEATON SUBDIVISION REPLAT

A REPLAT OF PART OF LOTS 1, 9 & 10, OF SEATON SUBDIVISION

SECTION 10, TOWNSHIP 17 NORTH, RANGE 8 EAST OF THE SIXTH P.M., DODGE COUNTY, NEBRASKA

OWNER:

RML INVESTMENTS, INC.
6811 FERN LAKE CIRCLE
VALLEY, NE 68064



SCALE: 1" = 100'

DEDICATION :

KNOW ALL MEN BY THESE PRESENTS: THAT RML INVESTMENTS, INC., BEING THE OWNER AND PROPRIETOR OF THE PROPERTY DESCRIBED WITHIN THE PERIMETER DESCRIPTION AND EMBRACED WITHIN THIS PLAT, HAS CAUSED SAID LAND TO BE SUBDIVIDED AND REPLATTED INTO TWO (2) LOTS, TO BE NAMED AND NUMBERED AS SHOWN, SAID SUBDIVISION TO BE HEREAFTER KNOWN AS "SEATON SUBDIVISION REPLAT". SAID OWNER HEREBY RATIFIES AND APPROVES OF THE DISPOSITION OF THEIR PROPERTY, AS SHOWN ON THIS PLAT.

NOTARY:

STATE OF NEBRASKA)
) SS
 COUNTY)

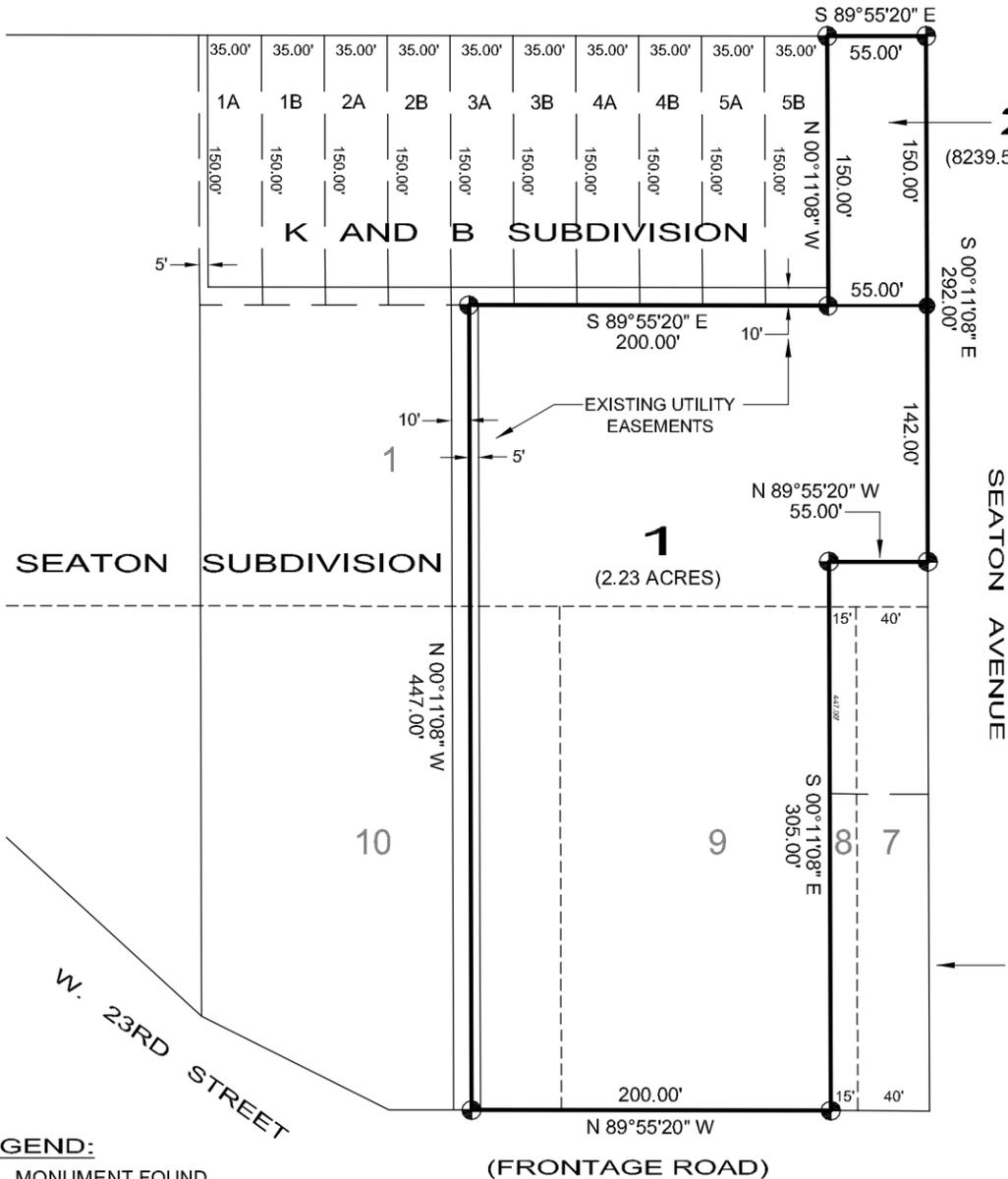
THE FOREGOING DEDICATION WAS ACKNOWLEDGED BEFORE ME BY ALLAN ASSMANN, AND WHO HEREBY ACKNOWLEDGES THE SIGNING OF SAID DEDICATION TO BE HIS VOLUNTARY

ACT AND DEED THIS ____ DAY OF _____, A.D., _____.

NOTARY PUBLIC _____

MY COMMISSION EXPIRES _____

RONN A. WINQUEST, PRESIDENT
RML INVESTMENTS, INC.



PERIMETER DESCRIPTION :

Part of Lots 1, 9 and 10, of Seaton Subdivision, in Section 10, Township 17 North, Range 8 East of the Sixth P.M., Dodge County, Nebraska, more particularly described as follows: Beginning at the Southeast Corner of said Lot 9: thence N89°55'20"W (assumed bearing), a distance of 200.00 feet; thence S89°55'20"E, a distance of 200.00 feet; thence N00°11'08"W, a distance of 150.00 feet; thence S89°55'20"E on the South Line of Ohio Street, a distance of 55.00 feet; thence S00°11'08"E on the West Line of Seaton Avenue, a distance of 292.00 feet; thence N89°55'20"W, a distance of 55.00 feet; thence S00°11'08"E, a distance of 305.00 feet to the true point of beginning.

SURVEYOR'S CERTIFICATION :

I, DANNY JOE W. MARTINEZ, A REGISTERED LAND SURVEYOR, DO HEREBY CERTIFY THAT THIS PLAT OF "SEATON SUBDIVISION REPLAT" HAS BEEN SURVEYED BY ME OR UNDER MY SUPERVISION, AND THAT THE LEGAL DESCRIPTION IS AS STATED ON THIS PLAT. PERMANENT MONUMENTS HAVE BEEN FOUND OR ESTABLISHED AT ALL LOCATIONS SHOWN ON THIS PLAT.

DANNY JOE W. MARTINEZ, L.S. 498
MARCH 4, 2016

CITY OF FREMONT PLANNING COMMISSION APPROVAL :

THIS PLAT OF "SEATON SUBDIVISION REPLAT", HAS BEEN SUBMITTED TO, AND APPROVED BY THE CITY OF FREMONT PLANNING COMMISSION, AND IS HEREBY TRANSMITTED TO THE CITY COUNCIL OF FREMONT, NEBRASKA, WITH THE RECOMMENDATION THAT THIS PLAT BE APPROVED AS PROPOSED.

DATED THIS ____ DAY OF _____, _____.

CITY OF FREMONT PLANNING COMMISSION:

CHAIRPERSON _____

SECRETARY _____

FREMONT CITY COUNCIL APPROVAL :

THIS PLAT OF "SEATON SUBDIVISION REPLAT" WAS APPROVED AND ACCEPTED BY THE FREMONT CITY COUNCIL, DODGE COUNTY, NEBRASKA,

THIS ____ DAY OF _____, _____.

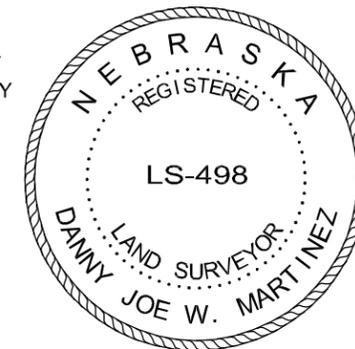
MAYOR _____

CITY CLERK _____

LEGEND:

- ⊕ MONUMENT FOUND
- MONUMENT SET
- COMPUTED POSITION (NOT SET)
- (C) COMPUTED DISTANCE
- (M) MEASURED DISTANCE
- (D) DEED DISTANCE
- (R) RECORD DISTANCE
- (P) PLAT DISTANCE

1. ALL BEARINGS ARE ASSUMED.
2. ALL MONUMENTS FOUND ARE A 5/8" REBAR, WITH A PLASTIC CAP STAMPED "LS 498", UNLESS NOTED OTHERWISE.
3. ALL MONUMENTS SET ARE A 5/8" X 24" REBAR, WITH A PLASTIC CAP STAMPED "LS 498", UNLESS NOTED OTHERWISE.



APEX
LAND SURVEYING, LLC

Danny Martinez, RLS
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Client: RML Investments, Inc.	
Date: 03/04/2016	Project No.: RML-SeatonSubReplat-Fremont-DodgeCo
Scale: 1" = 100'	Drawing File: RML-SeatonSubReplat-Fremont-DodgeCo.dwg
Sheet: 1 of 1	Issue No.: 1

Staff Report

TO: Planning Commission
FROM: Troy Anderson, Director of Planning
DATE: April 18, 2016
SUBJECT: Conditional Use Permit – 2530 Idaho Ave.

Background: The applicant and agent of the owner of approximately 8,100 square feet located at 2530 Idaho Ave., Ciera Mruz, is requesting approval of a Conditional Use Permit for Day Care Services (General). The reason for the request is to gain the necessary approvals to operate a day care facility.

The subject property is located on the east side of Idaho Ave., between Iowa St. and Dakota St. The subject property as well as all surrounding properties are zoned R-2 Moderate Density Residential, consist of residences, and are listed as residential. The subject property includes a one thousand ninety-two (1,092) square foot residence and a four hundred forty (440) square foot garage.

According to the Nebraska Department of Health & Human Services (NEDHHS), inspections of the home are required by both the Nebraska Fire Marshall's Office, or local fire authority, and child care licensing inspection prior to licensure and "Nebraska law also requires the Department to make at least one unannounced inspection to all Family Child Care Home II programs each year." Included in Staff's Report is a Licensing Process "Overview" form provided by the NEDHHS for Provisional Family Child Care Home II licensees.

According to subsection 1203.e., Fremont Zoning Ordinance (FZO), "The Planning Commission and City Council shall review and act upon the application based on the criteria established in Table 12-1 and conformance with applicable regulations in these Zoning Regulations." Table 12-1 has been included in Staff's Report for your convenience.

Subsection 1203.f., FZO, continues to read, "1. The City Council may, at its discretion, apply a Conditional Use Permit to a specific owner or applicant. The City Council may establish special site development or operational regulations as a condition for approval of a Conditional Use Permit. 2. The City Council shall not grant a Special Use Permit for any home occupation/home-based business which is otherwise prohibited under Section 611 of these Regulations."

While Section 611, FZO, does not pertain to the subject property, subsection 604.b., FZO, does provide supplemental use regulations for day care facilities, as follows:

1. Limited Day Care uses are permitted on residential lots and may be operated by the occupant of a dwelling unit on the site.
2. Day care facilities are permitted by Conditional Use Permit in the GI General Industrial Zoning District only if incidental to a permitted primary use.
3. Day care centers accommodating more than four children or adults shall:
 - (a) Not be located along a major arterial street as designated in the city's Comprehensive Development Plan. [**the subject property is not located along a major arterial street**]
 - (b) **Provide at least 100 square feet of open space per child, entirely enclosed** by a building, fence, or wall with a height of at least six feet. [**the property appears to comply with this regulation**]
 - (c) **Conform to all requirements and licensures of the State of Nebraska.**

[emphasis and commentary added]

Fiscal Impact: N/A

ADMINISTRATION AND PROCEDURES

Table 12-1: Criteria For Site Plan Review And Conditional Use Permits

Land Use Compatibility	CRITERIA	APPLIES TO	
		Site Plan Review	Conditional Use Permit
Development Density	Site area per unit or floor area ratio should be similar to surrounding uses if not separated by major natural or artificial features.		X
Height and Scale			
Height and Bulk	Development should minimize differences in height and building size from surrounding structures. Differences should be justified by urban design considerations.	X	X
Setbacks	Development should respect pre-existing setbacks in surrounding area. Variations should be justified by site or operating characteristics.	X	X
Building Coverage	Building coverage should be similar to that of surrounding development of possible. higher coverage should be mitigated by landscaping or site amenities.	X	X
Site Development			
Frontage	Project frontage along a street should be similar to lot width.	X	X
Parking and Internal Circulation	Parking should serve all structures with minimal conflicts between pedestrians and vehicles.	X	X
	All structures must be accessible to public safety vehicles.	X	X
Landscaping	Development must have access to adjacent public streets and ways. Internal circulation should minimize conflicts and congestion at public access points.		
	Landscaping should be integral to the development, providing street landscaping, breaks in uninterrupted paved areas, and buffering where required by surrounding land uses. Parts of site with sensitive environmental features or natural drainageways should be preserved.	X	X
Building Design	Architectural design and building materials should be compatible with surrounding areas or highly visible locations		X
Operating Characteristics			
Traffic Capacity	Project should not obstruct traffic on adjacent streets. Compensating improvements will be required to mitigate impact on street system operations.	X	X
External Traffic Effects	Project design should direct non-residential traffic away from residential areas.	X	X
Operating Hours	Projects with long operating hours must minimize effects on surrounding residential areas.	X	X

ADMINISTRATION AND PROCEDURES

Table 12-1: Criteria For Site Plan Review And Special Use Permits

Operating Characteristics	CRITERIA	APPLIES TO	
		Site Plan Review	Conditional Use Permit
Outside Storage	Outside storage areas must be screened from surrounding streets and less intensive land uses.	X	X
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Public Facilities			
Sanitary Waste Disposal	Developments within 500 feet of a public sanitary sewer must connect to sewer system. Individual disposal systems, if permitted, shall not adversely affect public health, safety, or welfare.	X	X
Storm Water Management	Sanitary sewer must have adequate capacity to serve development.	X	X
	Development should handle storm water adequately to prevent overloading of public storm water management system.	X	X
	Development should not inhibit development of other properties.	X	X
Utilities	Development should not increase probability of erosion, flooding, landslides, or other run-off related effects.	X	X
	Project must be served by utilities.	X	X
	Rural estate subdivisions should be located in designated areas which can accommodate utility and infrastructure installation consistent with the need to protect the environment and public health.	X	X
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Comprehensive Plan	Projects should be consistent with the City of Fremont's Comprehensive Development Plan.		X

IMPROVEMENT LOCATION REPORT



Boundaryline Surveys

4513 S. 133rd Street

Omaha, Nebraska 68137

Phone: 402-334-2032

DATE: 9/27/2005

FOR: Jeremy P. Mruz
2530 Idaho Avenue
Fremont, NE 68025

PREPARED FOR: Nancy F.

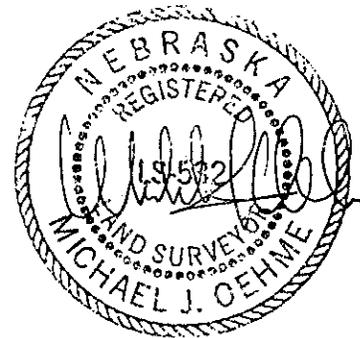
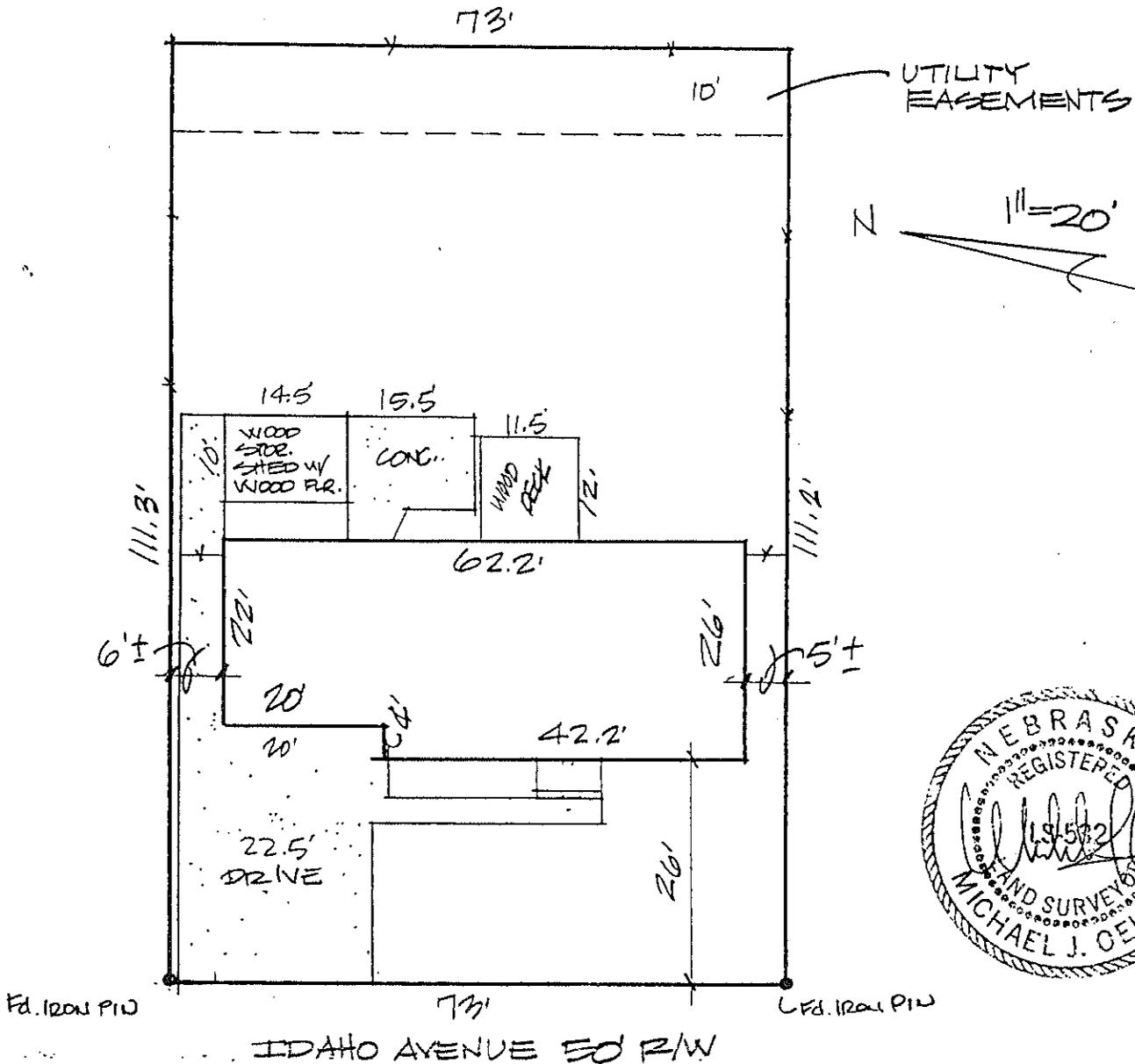
Fremont National Bank
Secondary Market Department
152 E. 6th Street
Fremont, NE 68025

LEGAL DESCRIPTION:

Lot 8, Block 1, Washington Heights Fourth Addition to the City of Fremont

AS SURVEYED, PLATTED AND RECORDED IN Dodge

COUNTY, STATE OF NEBRASKA



SUBJECT TO LEGAL
LAND SURVEY FOR
EXACT LOCATION
OF IMPROVEMENTS.

This is a report of an inspection made for loan purposes and title inspection purposes only. The work illustrated hereon does not constitute a boundary survey and is subject to any inaccuracies that a boundary survey may disclose. If a boundary survey with lot corners located and marked is requested, then additional charges will accrue.

THIS IS AN APPROXIMATION ONLY. NOT FOR CONSTRUCTION.

This drawing is prepared for use only by the lender. It does not present information sufficient for a landowner to install or determine the location of fences, sheds, walks, detached buildings, driveways, etc., and if any are shown hereon, they are approximate only as to their actual position. No property corners were set and Boundaryline Surveys does not extend any warranty to present or future owners or occupants. (Linear and angular values shown are based on record or deed information)

No degree of certainty is given herewith for setback and/or sideyard dimensions.

